

Local Rules of Civil Procedure

LR 1 - Scope and Purpose

(See [Fed. R. Civ. P. 1](#))

LR 1-1 Scope and Application

These local rules govern practice and procedure in the United States District Court for the District of Oregon in all civil actions-whether arising at law, in equity, or in admiralty-except as stated in Fed. R. Civ. P. 81.

LR 1-2 Effective Date

These local rules originally became effective on June 1, 1998. Over time, individual rules have been modified, and an explanation of any changes is included in the amendment history following each rule.

LR 1-3 Citation Format

The local civil rules will be cited as "LR ____ - ____."

LR 1-4 Authority to Modify or Suspend the Local Rules

In the interest of justice, a judge may suspend or modify the application of these rules in an individual case or group of cases.

LR 1-5 Definitions

Unless the context requires otherwise, the following definitions apply to all proceedings within the District of Oregon:

(a) Clerk

The term applies to the Clerk of the District Court and to any authorized deputy clerk.

(b) CM/ECF

This is the acronym for the federal judiciary's case management and electronic case filing system. (See [LR 100](#) and the Court's website at ord.uscourts.gov)

(c) Counsel

The term includes counsel of record for any represented party, any unrepresented or pro se party, and any law student appearing pursuant to [LR 83-5](#).

(d) Court

The term refers to the United States District Court for the District of Oregon and not to any particular judicial officer.

(e) Electronic Filing

The term means any pleading, document, exhibit, memorandum, or other material authorized to be filed via the Internet using the CM/ECF system. (See [LR 100](#))

(f) Electronic Service

The term means service of any electronic filing over the Internet using the CM/ECF system. (See [LR 100-2](#) and [LR 100-8](#))

(g) Judge or Judicial Officer

The term applies to any United States circuit, district, or magistrate judge exercising jurisdiction over a particular case or proceeding.

(h) Notice of Electronic Filing (See [LR 100-8\(a\)\(2\)](#))

The term refers to the document reflecting completion of the CM/ECF transaction and identifying who was notified.

(i) Party

The term includes counsel of record for the represented party.

(j) PDF Text Searchable Format (See Practice Tip at [LR 100-5](#))

(k) Registered User

Attorneys admitted to practice in this Court pursuant to [LR 83-1](#) and registered with the CM/ECF system pursuant to [LR 83-1\(e\)](#), and pro se litigants who have been granted permission by a judicial officer to electronically file documents pursuant to [LR 100-4\(c\)](#).

Amendment History to LR 1	
LR 1.2	The words "originally and "Over time . . ." added.
LR 1.5(a)	Delete definition of Alternate Dispute Resolution. (See LR 16-4 for expanded information on ADR programs).
LR 1.5	Sections (c), (f), (g), (h), (l), and (m) are new definitions. Sections (c), (g), (h), and (l) are necessary in order to implement the Court's electronic filing system - CM/ECF (See LR 100).
June 1, 2006	
LR 1.2	The phrase ". . . have been . . ." substituted for the word "are"
LR 1.5(b)	Definition text added. Court's website address amended.
LR 1.5(c)	The phrase ". . . or Filed Conventionally . . ." added to the definition.
LR 1.5(d)	The word "includes" substituted for ". . . refers to . . ." The word "any" substituted for the word "to" The letter "s" dropped from "students."
LR 1.5(f)	Deleted definition of "Document." Subsequent sections renumbered.

LR 1.5(I)	Deleted definition of Filing User. Added definition for Notice of Electronic Filings. Subsequent sections renumbered.
LR 1.5(k)	Added definition for PDF.
LR 1.5(l)	Deleted definition of Pleading. Added definition for Registered User.
December 1, 2009	
Generally	The citation format changed from " ____." to " ____- ____" throughout the Local Rules. The word "shall" has been replaced by "must" or "will" throughout the Local Rules. Cross-references updated.
LR 1-5(b)	Court's website address amended
LR 1-5(c)	Eliminated definition of "conventionally filed or filed conventionally." Subsequent sections renumbered.
LR 1-5(k)	Amended to include pro se litigants who have been granted permission by a judicial officer to electronically file documents to the definition of a Registered User.
LR-6	Former LR 6 was deleted as unnecessary.

LR 3 - Commencement of Action

(See [Fed. R. Civ. P. 3](#))

LR 3-1 Places of Holding Court (See 28 U.S.C. § 117)

The Court is open to receive filings and conduct judicial business in Portland, Eugene, and Medford.

LR 3-2 Divisions of Court

(a) The following divisions of court are established to distribute the judicial work and to align counties for juror management purposes:

(1) Portland Division

Clackamas, Clatsop, Columbia, Hood River, Jefferson, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill.

(2) Pendleton Division

Baker, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.

(3) Eugene Division

Benton, Coos, Deschutes, Douglas, Lane, Lincoln, Linn, and Marion.

(4) Medford Division

Curry, Jackson, Josephine, Klamath, and Lake.

(b) Pleading Requirement: Assignment to a Division

In the caption of any filing, the filing party must identify the division where "divisional venue" lies.

For purposes of these Local Rules, "divisional venue" means the division of the court in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated.

Example	UNITED STATES DISTRICT COURT	
	DISTRICT OF OREGON	
	MEDFORD DIVISION	
	Jane Doe, Plaintiff, v. John Doe, Defendant.	Case No.: COMPLAINT Personal Injury Action (28 U.S.C. § 1332) DEMAND FOR JURY TRIAL

LR 3-3 Place of Filing (See [LR 77-1](#))

(a) New Actions

(1) Portland Clerk's Office: Cases where divisional venue lies within either the Portland or Pendleton Divisions must be filed in Portland.

(2) Eugene Clerk's Office: Cases where divisional venue lies within the Eugene Division must be filed in Eugene.

(3) Medford Clerk's Office: Cases where divisional venue lies within the Medford Division must be filed in Medford.

(b) Subsequent Papers

Unless otherwise directed by the Court, subsequent papers will be filed and the case file will be maintained where the case was originally filed.

(c) Case Reassignments to Another Division

If a case is filed in any division other than the one required by [LR 3-3\(a\)](#), the Court may reassign the case to the appropriate division on its own motion or that of any party. When such an order is entered, the clerk

will transfer the case file to the receiving division, and the parties must then file all subsequent papers in the new division.

LR 3-4 Place of Trial

(a) Usual Place of Trial

Unless otherwise directed by the Court, cases will be tried in the city in which the case file is maintained.

(b) Pendleton

Upon motion of any party, the Court may order that a case be tried in Pendleton.

(c) Other Places for Conducting Trials

In the interests of justice, the Court may order that the case be tried at any other place within the district.

LR 3-5 Initial Filing Requirements

(a) Advance Payment Required (See 28 U.S.C. § 1914(c))

Before a document can be accepted for filing - or before the Clerk's Office can provide any services covered under the Schedule of Fees adopted by the Judicial Conference of the United States - the filing party, or the person requesting services, must pay all required fees, or file an *In Forma Pauperis* application for waiver of fees pursuant to 28 U.S.C. § 1915(a).

(b) Applications to Proceed In Forma Pauperis (See 28 U.S.C. § 1915)

The clerk is directed to conditionally grant an application to proceed *In Forma Pauperis* and not delay the filing, assignment, and statistical opening of any civil action pending final review and decision on the application by the Court. (See *Application to Proceed In Forma Pauperis - Incarcerated Person* and *Application to Proceed In Forma Pauperis* forms.)

Practice Tips
1. A completed JS-44 Civil Cover Sheet is required to be filed with every civil complaint, petition, or other paper that initiates a civil action. Copies of the JS-44 Civil Cover Sheet are available in the Portland, Eugene, or Medford Clerk's Office.
2. Checking the <input type="checkbox"/> JURY DEMAND box on the JS-44 Civil Cover Sheet does not constitute a valid jury demand pursuant to LR 38 or Fed. R. Civ. P. 38(b) .

LR 3-6 Additional Service Requirements

(a) Case Management Scheduling Orders and Other Papers (See [LR 16-1](#))

At the time of filing, the Clerk's Office will issue certain documents as enumerated in [LR 16-1](#).

(b) Responsibility to Serve

Except as provided by 28 U.S.C. § 1915, the filing party is responsible for serving all documents issued by the Clerk at the time of filing upon all named parties. In cases which are removed to this Court, the removing defendant is considered the "filing party" for purposes of this rule and must serve all documents issued by the Clerk at the time of filing upon all named parties.

Practice Tip
Electronic notice by the Court is not a substitute for the filing party's obligation to serve all documents issued by the Court at the time of filing upon all named parties.

LR 3-7 Sealed Cases (See [LR 26-4](#))

(a) New Action

At the time a complaint is presented for filing, any party seeking to file the case under seal must either:

- (1) File a motion and supporting memorandum requesting the Court to seal the file. Pending the Court's ruling on the motion to seal, the case file and records will be withheld from the public record; or
- (2) Provide a citation to the authorizing legislation (if any). Pending verification of the legislation, the case file and associated records will be sealed and withheld from the public record.

(b) Pending Action

A party seeking to place a pending case under seal must file an appropriate motion requesting the Court to seal the file and all associated electronic records. (See [LR 100-5\(a\)](#)).

(c) Court's Responsibility

After reviewing the motion and supporting materials, the Court will either:

- (1) Grant the motion and direct the clerk to file the case and all subsequent papers and electronic records under seal and to limit future access to the sealed case to those individuals included in the order; or
- (2) Deny the motion and direct the clerk to file the case in the public records of the Court.

(d) Access to Sealed Cases

Subsequent access to the sealed case will be regulated by controlling statute or Court order.

LR 3-8 Sealed Documents (See [LR 26-4](#))

(a) Sealed Documents Generally

Portions of a document cannot be placed under seal. Instead, the entire document must be placed under seal in order to protect the confidential information.

(b) Filing a Document Sealed by Previous Court Order

When a previous Court order authorizes the filing of a document or other materials under seal, the filing party must present the clerk with a copy of the Court order and submit the materials in an envelope provided by the Clerk's Office marked "SEALED MATERIALS." In addition, all documents authorized to be filed under seal must have the words "AUTHORIZED TO BE FILED UNDER SEAL" typed directly below the document title.

(c) Motions to File a New Document Under Seal

Motions to file a new document under seal - even those offered by stipulation of the parties - will be handled as in camera submissions pursuant to [LR 3-9](#).

(d) Motion to Seal Previously Filed Documents

A party seeking to place under seal a document that is currently in the public record must file and serve a motion and proposed order pursuant to [LR 3-8\(e\)](#). Unless requested, the motion will be treated as a discovery motion pursuant to [LR 26-3](#) and [LR 26-4](#).

(e) Order to Seal Documents and/or Cases (See [LR 79](#))

A proposed order to seal a document or case must include language that:

- (1) Identifies the persons authorized to review, copy, photograph, and/or inspect the sealed materials; and
- (2) Instructs the clerk whether the document should be excluded from the electronic docket as well as the public case file.

LR 3-9 In Camera Submissions

(a) During Court Proceedings

Documents or other materials offered and accepted for in camera inspection during a Court proceeding will be handled in accordance with LR 3-9(c).

(b) Tendered to the Clerk's Office

Documents tendered ex parte to the Clerk's Office for transmission to the Court and subsequent in camera inspection must be:

- (1) Accompanied by a transmittal letter or motion to the assigned judge requesting that the materials be reviewed in camera; and
- (2) Enclosed in a separate envelope provided by the Clerk's Office and marked:

Example	Sealed Materials For In Camera Inspection
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(c) Court Responsibility

After completing the in camera inspection, the Court will direct the Clerk's Office to:

- (1) File the documents or materials in the public record; or
- (2) File the documents under seal with appropriate disclosure instructions to the clerk; or
- (3) Direct that the documents should be returned to the offering party with appropriate instructions.

Amendment History to LR 3	
June 1, 2006	
Generally	Cross References updated throughout the rule. The word "Memoranda" changed to "Memorandum" throughout the rule.
LR 3.4(a)(1) (2) and (3)	The word "in" substituted for the word "from." The word "must" substituted for the word "will."
LR 3.4(c)	The word "Court" substituted for the word "judge." The word "its" substituted for the word "their."
LR 3.7(a)	The phrase beginning with ". . . certain documents as enumerated in LR 16.1 . . ." substituted for the phrase beginning with ". . . a case management scheduling order . . ."
LR 3.7(b)	The line beginning with "In cases which . . ." added. Practice Tip added.
LR 3.8(a) (2)	The word "Upon" in second sentence replaced with "Pending."
December 1, 2009	
LR 3-1	Former LR 3.1 deleted. Subsequent rules renumbered.
LR 3-2 (b)	Added to require pleading the division assignment in the case caption.
LR 3-3	Altered text from "Cases arising in counties . . ." to "Cases where divisional venue lies . . ."
LR 3-9	Former LR 3.9 deleted.
LR 3-10	Former LR 3.10 deleted.
Generally	Cross-references updated and references to Appendix of Forms deleted.

LR 4 - Summons

(See [Fed. R. Civ. P. 4](#))

LR 4-1 Summons (See [Fed. R. Civ. P. 4\(a\) and \(b\)](#))

All summonses, along with sufficient copies for service, will be prepared by the filing party and presented to the clerk for issuance.

LR 4-2 Amended Summons (See [Fed. R. Civ. P. 4\(a\)](#))

An amended summons must be titled AMENDED SUMMONS, must be reproduced without interlined changes, and must be served pursuant to [Fed. R. Civ. P. 4\(c\)](#).

LR 4-3 Service by U.S. Marshal's Personnel (See [Fed. R. Civ. P. 4\(c\)\(3\)](#))

Unless required by law or statute, or upon application for good cause shown and subsequent Court order, U.S. Marshal's Office personnel will not serve the complaint and summons in private civil actions.

LR 4-4 Waiver of Service of Summons - Option (See [Fed. R. Civ. P. 4\(d\)](#))

(a) Time Limits (See [Fed. R. Civ. P. 4\(d\)\(1\)\(F\)](#))

Unless otherwise permitted by the Court, the reasonable time to return the waiver is thirty (30) days from the date on which the request is sent, or sixty (60) days from the date if the defendant is addressed outside any judicial district of the United States.

(b) Motion to Collect the Cost of Service (See [Fed. R. Civ. P. 4\(d\)\(2\)](#))

A motion and affidavit to recover costs of service pursuant to [Fed. R. Civ. P. 4\(d\)\(2\)](#) must include:

- (1) Certification of the actions taken to implement the waiver of service option;
- (2) Itemization of the costs incurred in effecting service pursuant to [Fed. R. Civ. P. 4\(e\), \(f\), or \(h\)](#); and
- (3) Explanation of the method and rates used to calculate any reasonable attorney fees associated with the motion.

Amendment History to LR 4	
June 1, 2006	
Generally	References to Appendix of Forms Updated
December 1, 2009	
LR 4-3	Changed reference to Fed. R. Civ. P. 4(c)(3)
LR 4-4(a)	Changed reference to Fed. R. Civ. P. 4(d)(1)(F)
LR 4-4(b)	Changed reference to Fed. R. Civ. P. 4(d)(2)
Generally	Cross-references updated and reference to Appendix of Forms deleted.

LR 5 - Service and Filing of Pleadings and Papers

(See [Fed. R. Civ. P. 5](#) and [LR 100-7](#))

LR 5-1 Filing Requirements

(a) Generally

All documents filed with the Court by a Registered User must be in accordance with the Electronic Filing Procedures set forth in these local rules. (See [LR 100](#)).

(b) Paper Copy

Unless electronically filed, a paper required or permitted to be filed in the District Court must be filed with the Clerk in order to be docketed and included in the record of the case.

(c) Copies of Pleadings and Documents (See also [LR 100-5\(a\)](#))

When pleadings or other documents are filed in hard copy, a copy must be filed along with the original.

(d) System Availability

Electronic filing via the CM/ECF system is permitted at all times, except when the system is temporarily unavailable.

(e) Filing Deadline

The filing deadline for any document is 11:59 pm (Pacific Time) on the day the document is required to be filed.

(f) Scheduled Court Proceedings

If an electronic filing relates to a scheduled court proceeding that is to be held within three (3) business days of the filing, the filing party must concurrently telephone or e-mail the assigned judge's courtroom deputy to request that chambers be promptly notified of the e-filing.

(g) Separate Components

A document will be considered filed when all components of the document reside in the official court record.

(h) Proposed Forms of Orders or Judgments (See [LR 79](#) and [LR 84](#))

Proposed forms of order or judgments should not be submitted unless requested by the Court.

(i) Request for Conformed Copies

A party may request the Clerk to conform a copy of any document presented for filing. However, the filing party must provide the Clerk with a copy of the document and a postage-paid, self-addressed return envelope. Without the extra copy and postage-paid envelope, the Clerk will not conform and return the document by mail.

(j) Return of Unfiled Documents or Correspondence

The Clerk will not accept for filing any courtesy or information copies of documents or correspondence exchanged between the parties unless they are contemporaneously filed as an exhibit or appendix to a pleading or other document.

(k) Letter Correspondence to the Court

Unless directed by the Court, letters to the Court will not be docketed and included in the case file. (*See [Fed. R. App. P. 10\(a\)](#)* for guidance about including undocketed correspondence in the official record on appeal).

Practice Tips
1. Do not file pleadings, documents, jury instructions, exhibits, etc. (whether original or a copy) with chambers. Instead, file all documents directly with the Clerk's Office.
2. Filings Offered During Court Proceedings: Parties tendering documents for filing during a Court proceeding are responsible for filing the document with the Clerk's Office immediately after the Court proceeding.
3. Documents hand delivered or faxed to the Court should normally be hand delivered, faxed, or e-mailed to opposing counsel on the same day and at about the same time.

LR 5-2 Documents Not Filed With the Court

(a) Documents Retained by Parties

Unless required by the Court in a particular proceeding, the following documents must be retained by the parties and not filed with the Court:

- (1) Notices of depositions and transcripts (*See [LR 27](#) and [LR 30](#)*);
- (2) Interrogatories and responses (*See [LR 33](#)*);
- (3) Requests for production and responses (*See [LR 34](#)*);
- (4) Requests for admissions and responses (*See [LR 36](#)*);
- (5) Expert witness disclosures (*See [LR 16](#) and [LR 26](#)*);
- (6) Unaccepted offers of judgment (*See [LR 68](#)*); and
- (7) Initial Disclosures. (*See [LR 26](#)*)

(b) Service of Non-Filed Documents on Parties

Any document enumerated in [LR 5-2\(a\)](#) served pursuant to [Fed. R. Civ. P. 5](#) must also be provided concurrently to a party by e-mail. Interrogatories, requests for production, and request for admissions must be e-mailed in Word or Word Perfect format, not in PDF format, unless otherwise agreed to by the parties.

Commentary
The purpose of this rule is to allow counsel to prepare responses to discovery documents easily and efficiently. This rule does not affect the prescribed period for taking any action in response to the

document, which is calculated according to the selected method of service.

LR 5-3 Facsimile (FAX) Filings (See [Fed. R. Civ. P. 5\(d\)](#))

Facsimile filings are not allowed except in emergency situations, and then only when expressly approved in advance by the assigned judge and coordinated with the Clerk's Office.

LR 5-4 After Business Hours Filings (See [LR 77-2\(c\)](#))

Amendment History to LR 5	
June 1, 2000	
LR 5-1(c)(5)	The word "Handling" was stricken.
June 1, 2002	
Generally	cross-references added.
LR 5-1(c)	Section (c) deleted and moved to LR 5.2(a). Subsequent rules re-numbered.
LR 5-2(b)	New Rule
LR 5-3	Advisory Note amended by striking Note #4
June 1, 2006	
Generally	Cross References added and updated.
LR 5-1(a)	New Rule. Subsequent sections re-lettered
LR 5-1(b)	New Rule. Text from LR 5.3 was moved to LR 5.1(b)
LR 5-1(c)	The word "conventionally filed" added
LR 5-1(d)	New Rule. Text from old LR 100.10 moved to this new rules
LR 5-1(g)	Item #4 added to Practice Tip.
LR 5-2	Heading modified
LR 5-2(b)	The phrase "...enumerated in LR 5.2(a)(2), (3), and (4).." added to second sentence.
LR 5-3	Rule text moved to LR 5.1(b). Subsequent sections renumbered
LR 5-5	New Rule. Moved text of LR 10.3 to this rule. Heading Policy was added. The phrase ".. on or after June 1, 2002..." stricken Sections (b)(c) and (d) added to conform with August 2, 2004 amendments to the E-Government Act of 2002.
December 1, 2009	

LR 5-1(a)	The word "must" substituted for "shall."
LR 5-1(c)	The phrase "filed in hard copy" substituted for "conventionally filed."
LR 5-1(d)-(g)	Relocated from LR 100. Practice Tip #2 deleted as redundant with LR 5-1(f).
LR 5-1(i)	Removed word "and" and added comma.
LR 5-2(b)	Altered text from "shall also be served concurrently on a party" to "must also be provided concurrently to a party . . ." Edited Commentary section.
LR 5-3	Changed cross-reference from "LR 11-3" to "Fed. R. Civ. P. 5(d)."
LR 5-5	Deleted former LR 5.5 as redundant with the subsequently enacted Fed. R. Civ. P. 5.2.
Generally	Updated cross-references.

LR 7 - Motions Practice

(See [Fed. R. Civ. P. 7](#))

LR 7-1 Motions Practice - Generally

(a) Certification Requirements

(1) Except for motions for temporary restraining orders, the first paragraph of every motion must certify that:

(A) The parties made a good faith effort through personal or telephone conferences to resolve the dispute and have been unable to do so; or

(B) The opposing party willfully refused to confer; or

(C) The moving party or opposing party is a prisoner not represented by counsel.

(2) The Court may deny any motion that fails to meet this certification requirement.

(3) A party filing a motion should state "UNOPPOSED" in the caption if the other parties to the action do not oppose the motion.

Practice Tips
1. The certification requirements of LR 7-1 are broader than those established in Fed. R. Civ. P. 37(a)(1) , which deals only with motions to compel discovery.
2. In cases in which one or more parties are proceeding pro se, counsel should document a good faith effort to consult with the unrepresented party. The Court will determine compliance with LR 7-1 on a case by case basis. (See LR 55-1)

(b) Separate Documents

Motions may not be combined with any response, reply, or other pleading.

(c) Supporting Memoranda (See [Fed. R. Civ. P. 7\(b\)](#))

Every motion must be accompanied by a separately filed legal memorandum. A legal memorandum exceeding twenty (20) pages must have a table of contents and a table of cases and authorities with page references.

(d) Limitations on Oral Argument

(1) Court Hearing: The Court will decide each motion without oral argument unless the Court determines that oral argument would help it resolve the matter. If the Court elects to hear oral argument, the Court will notify the parties of the date and time for any hearing.

(2) Request for Oral Argument: A party seeking oral argument must include "Request for Oral Argument" on the last line of the caption to the motion or response.

Example	Plaintiff Smith Corporation's MOTION FOR PROTECTIVE ORDER Pursuant to Fed. R. Civ. P. 26(c)(1) Request for Oral Argument
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(3) Oral Argument by Telephone Conference: A party may request that oral argument be by telephone conference.

(4) Waiver of Oral Argument: A party waives oral argument by:

(A) Failing to timely file any memorandum or other statement required by [LR 7](#), [LR 26](#), [LR 37](#), or [LR 56](#); or

(B) Filing late any paper allowed by LR 7, [LR 26](#), [LR #37](#), or [LR 56](#).

(e) Time Limits for Motions Other Than Motions Filed Pursuant to Fed. R. Civ. P. 56

(1) Response: A party must file and serve any response within fourteen (14) days after service of the motion.

(2) Reply: A party must file and serve any allowable reply to the response within fourteen (14) days after service of the response. (See [LR 26-3\(c\)](#)).

Practice Tip
A reply is not permitted in some cases under these rules. For example, no reply is permitted in connection with discovery motion under LR 26-3(c) unless otherwise directed by the Court, and no reply is permitted in response to a motion to strike pursuant to LR 56-1(g) .

(3) Other Memoranda: Unless directed by the Court, no further briefing is allowed.

(4) Taking Under Advisement: Unless otherwise directed by the Court, both discovery and non-discovery motions will be taken under advisement at the close of the time limits set forth in [LR 7-1\(e\)](#).

(f) Time Limits for Motions Filed Pursuant to Fed. R. Civ. P. 56

(1) Response: Unless otherwise ordered by the Court, a party must file and serve any response within twenty-one (21) days after service of the motion.

(2) Reply: Unless otherwise ordered by the Court, a party must file and serve any reply to the response within fourteen (14) days after service of the response. (See [LR 26-3\(c\)](#)).

(3) Other Memoranda: Unless directed by the Court, no further briefing is allowed other than the briefing allowed under [LR 56-1\(g\)](#).

(g) Request for Expedited Hearing

A party seeking expedited hearing must include "EXPEDITED HEARING REQUESTED" on the last line of the document's title, *e.g.*,

Example	Plaintiff Smith Corporation's MOTION FOR PROTECTIVE ORDER Pursuant to Fed. R. Civ. P.26(c) Expedited Hearing Requested
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(h) Reminders to the Court (See [LR 83-13](#))

LR 7-2 Non-Discovery Motions

(a) Document Designation (See [LR 10-2](#))

The document title must substantially comply with the following format:

Example	Defendant ABC Corporation's MOTION FOR SUMMARY JUDGMENT
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(b) Page Limits

Without prior Court approval, memoranda, (including objections to a Findings and Recommendation of a Magistrate Judge and responses to such objections) must be 35 pages or less exclusive of table of contents, table of cases and authorities, and exhibits.

(c) Calendaring (See LR 7-1(d)(1) and LR 7-1(e)(4))

LR 7-3 Discovery Motions (See [LR 26-3](#)).

LR 7-4 Preliminary Injunctions & Temporary Restraining Orders (See [LR 65](#))

LR 7-5 Motions for Summary Judgment (See [LR 56](#))

LR 7-6 Motions to Consolidate Complex or Related Cases (See [LR 42](#))

Amendment History to LR 7	
June 1, 2002	
LR 7.1(a)(1)	Motions for Temporary Restraining Orders specifically excluded.
LR 7.1(a)(1)(c)	New Rule.
LR 7.1(b)	New Rule. Subsequent rules renumbered.
LR 7.2(b)	The phrase "(including objections....)" added.
June 1, 2006	
Generally	The word "brief" and "briefs" stricken and replaced with "memorandum" or "memoranda" as appropriate throughout. Cross References updated Document Title examples modified throughout. "Advisory Note" changed to "Practice Tip".
LR 7.1(a)(3)	New Rule. Item #2 added to Practice Tip
LR 7.1(c)	The word "Affidavit" stricken from the heading title. The sentence beginning "A legal memorandum...." added.
LR 7.1(d)	Deleted this section and moved it to LR 7.1(c). Subsequent sections re-lettered.
LR 7.1(e)	Deleted this section. Subsequent sections re-lettered.
LR 7.3	Sections (a), (b) and (c) deleted and moved to LR 26.5.
LR 7.5	Text portion of rule deleted.
December 1, 2009	
LR 7-1(e)	The phrase "Other Than Motions Filed Pursuant to Fed. R. Civ. P. 56" substituted for "Discovery and Non-Discovery Motions." Practice Tip added.
LR 7-1(f)	Added to address time limits for motions filed pursuant to Fed. R. Civ. P. 56. Subsequent subsections renumbered.
LR 7-2(a)	The word "must" substituted for "shall."
LR 7-3	Removed the reference to Fed. R. Civ. P. #37.
Generally	Changed time limits to multiples of seven; and in LR 7-1(f) separate time limits of 21 days and 14 days were added for summary judgment motions in light of the December 2009 changes to Fed. R. Civ. P. 56.

LR 7.1 - Disclosure Statement

(See [Fed. R. Civ. P. 7.1](#))

LR 7.1-1 Disclosure Statement

In diversity actions, any party that is a limited liability corporation (L.L.C.), a limited liability partnership (L.L.P.), or a partnership must, in the disclosure statement required by Fed. R. Civ. P. 7.1, list those states from which the owners/members/partners of the L.L.C., L.L.P., or partnership are citizens. If any owner/member/partner of the L.L.C., L.L.P., or partnership is another L.L.C., L.L.P., or partnership, then the disclosure statement must also list those states from which the oners/members/partners of the L.L.C., L.L.P., or partnership are citizens.

Practice Tips
The certification requirements of LR 7.1-1 are broader than those established in Fed.R.Civ.P. 7.1. The Ninth Circuit has held that, "[L]ike a partnership, an LLC is a citizen of every state of which its owners/members/partners are citizens." <i>Johnson v. Columbia Properties Anchorage, LP</i> , 4#37 F.3d 894, 899 (9th Cir. 2006). Early state citizenship disclosure will help address jurisdictional issues. Therefore, the disclosure must identify each and every state for which any owner/member/partner is a citizen. The disclosure does not need to include names of any owner/member/partner, nor does it need to indicate the number of owners/members/partners from any particular state.

Amendment History to LR 7.1	
December 1, 2009	
LR 7.1	New Rule

LR 10 - Form of Pleadings and Other Documents

(See [Fed. R. Civ. P. 10](#))

LR 10-1 Format Requirements

(a) Legibility

Pleadings and other documents must be typewritten, neatly printed, or otherwise legibly reproduced, using blue or black ink.

(b) Line Spacing

Pleadings and other documents must be double-spaced except for the identification of counsel, title of the case, footnotes, quotations, and exhibits.

(c) Minimum Type Size for Text, Footnotes, and Endnotes

Typewritten materials, including footnotes and endnotes, must use at least a twelve (12) point font, *i.e.*, at least ten (10) typed characters per inch.

(d) Page Margins

Pleadings and other documents must have one (1) inch margins on the top, bottom, left, and right sides.

(e) Stapled or Fastened

Pleadings and other documents that are less than one (1) inch thick must be stapled in the upper left hand corner. Larger documents must be fastened with some other permanent fastening device. (*See Practice Tip below.*)

(f) Pagination Requirements

(1) Every page of a pleading or other document (not including attachments or exhibits) must bear a footer with a brief description of the pleading or document and consecutive numbering at the bottom of the page.

(2) Exhibits or attachments to pleadings and other documents must be clearly numbered.

(g) Paper Requirements

Paper copies filed with the clerk must be on one-sided 8 ½" x 11" white paper of good quality (not less than 13-pound weight), flat and unfolded, without back or cover. The paper must not be numbered down the left margin (except for exhibits that are deposition transcripts). (*See Practice Tip below regarding hole-punching judges' copies.*)

Practice Tips
1. Exhibits and attachments do not require a footer, but they must be clearly numbered to enable the Court and counsel to find particular pages quickly and easily.
2. Rubber bands or large clips do not qualify as "permanent fastening devices" for purposes of this rule. Metal fasteners, ring or nylon binder posts may be used.
3. Regarding judges' copies: Ask the courtroom deputy clerk whether the judge's copies should be 3 hole punched on the side for inclusion in a binder, or 2 hole punched at the top for inclusion in a file or folder.

LR 10-2 Caption Requirements (*See* [LR 15-1](#) and Complaint form)

(a) Counsel Information

Type counsel information in the upper left corner on the first page, starting one (1) inch from the top of the page on paper that is not numbered down the left margin.

Practice Tips
1. Identifying lead counsel: List the name of the attorney who has primary litigation responsibility for the case ("lead counsel") first. You may list other attorneys affiliated with the case on subsequent lines. The signature page may include a complete list of counsel submitting the document for filing.
2. Identifying Associate (Out-of-State) Counsel: List out-of-state counsel in a separate paragraph below the local Oregon counsel name and address information. Local counsel are deemed "lead counsel" for purposes of this rule.
3. When paper filing or service is required by these rules (<i>See</i> LR 100-5(a)), the Court will send paper

notices only to "lead counsel" in Oregon or pro se litigants.

(b) Court Title

Double space, capitalize and center the title of the Court at least one (1) inch below the last line of the counsel information paragraph.

Example	UNITED STATES DISTRICT COURT	
	DISTRICT OF OREGON	
	MEDFORD DIVISION	
	Jane Doe, Plaintiff, v. John Doe, Defendant.	Case No.: COMPLAINT Personal Injury Action (28 U.S.C. § 1332) DEMAND FOR JURY TRIAL

(c) Clerk's Authorization to Return Documents

The clerk is directed to return without filing, and without action, all documents and papers presented for filing that do not comply with the requirements of [LR 10-2\(b\)](#). The offering party will be directed to re-submit the document(s) to comply with the local rule.

(d) Party Names

Single space the names of the parties along the left margin, four (4) lines from the bottom of the court title. If the parties are numerous, the names may be continued on the second or, if necessary, successive pages in the same space.

Practice Tips
1. Representation in Multi-Party Cases: When not representing all plaintiffs or all defendants, counsel must clearly identify the specific party or parties they are representing.
2. Parties' names should be capitalized and bold-faced, with all other relevant party information typed in a plain text format, <i>e.g.</i> , SMITH CORPORATION , an Oregon Corporation, and JOHN S. SMITH , individually and in his official capacity, PLAINTIFFS .

(e) Eliminate Brackets Following Party Name Information

Do not use brackets ")" to set off party names from the document title.

(f) Case Number

Right justify the case number on the same line as the first named plaintiff. The case number will be assigned by the Clerk's Office at the time the initial filing is made, and must appear on all subsequent filings.

--	--

(g) Document Title

At least two lines below the case number, single space and capitalize a concise description of the nature of the document.

Example	COMPLAINT Personal Injury Action (28 U.S.C. § 1332) DEMAND FOR JURY TRIAL
---------	------------------------------------------------------------------------------------------

LR 10-3 Affidavits and Declarations**(a) Filed Separately**

Affidavits or declarations must be filed as separate documents with their own captions and footers. Their title must include the name of the related document.

Example	AFFIDAVIT OF JOHN S. HONEST, Esquire In Support of Plaintiff Smith Corporation's Motion for Summary Judgment
---------	-----------------------------------------------------------------------------------------------------------------------------

(b) Signature Notarized

The affiant's signature on an affidavit must be notarized.

(c) Unsworn Declaration

An unsworn declaration under penalty of perjury may be filed pursuant to 28 U.S.C. § 1746. (*See also* [LR 100-11](#)).

LR 10-4 PATENT, TRADEMARK, OR COPYRIGHT CASES**(a) Document Title**

The word(s) "PATENT," "TRADEMARK INFRINGEMENT" or "COPYRIGHT" must appear in the narrative description of the complaint.

Example	COMPLAINT FOR TRADEMARK INFRINGEMENT JURY TRIAL REQUESTED
---------	----------------------------------------------------------------------

(b) Pleading Requirements

In a separately numbered paragraph within the body of the complaint, the filing party must identify the owner's full name and the registration number and date of issuance of the relevant patent, trademark or copyright.

LR 10-5 Individuals with Disabilities Education Act (IDEA) Cases

(a) Document Title Requirements

The words "Individuals with Disabilities Education Act (IDEA)" must appear in the document title.

Example	COMPLAINT Individuals with Disabilities Education Act (IDEA)
---------	-------------------------------------------------------------------------------

(b) Court Scheduling Order.

When the Complaint is filed, the Court will issue the Individuals with Disabilities Education Act Scheduling Order.

LR 10-6 Page Limitations

Document	Page Limit	Local Rule	Comment
<i>Memoranda</i>			
Attorney Fees	10 pages	LR 54-3(e)	
Bill of Costs	10 pages	LR 54-1(c)	
Discovery Motions	10 pages	LR 26-3(b)	Exclusive of Exhibits
Non-Discovery Motions	35 pages	LR 7-2	Exclusive of Exhibits
<i>Concise Statement of Material Fact</i>	5 pages	LR 56-1(d)	
<i>State Court Record for Capital Habeas Case</i>	250 pages	LR 81-3(i)(3)(c)	per volume

Amendment History to LR 10

June 1, 2002

LR 10.1(a)	Subsection re-titled. Language from LR 10.2(e) added and modified to include requirement for unnumbered paper. Subsequent rules re-numbered.
LR 10.1(d)	Amended to substitute "maximum" for "minimum".
LR 10.1(e)	Language moved to LR 10.1(a). Subsequent rules re-numbered.
LR 10.1(g)	Subsection (1) amended to add "...of a pleading or document...." Subsection (2) amended to add "...and documents will be clearly numbered."
LR 10.2(a)	Cross Reference to LR 15.1 added. Last sentence "An example..." added for clarity. Advisory Notes modified to conform with e-noticing methods of CM/ECF.

LR 10.2(c)	New Rule. Subsequent sections re-lettered.
LR 10.2(e)	New Rule. Subsequent sections re-lettered.
LR 10.3	This is a new rule to reflect Judicial Conference policy (<i>See</i> Appendix of Forms). The previous version of LR 10.3, and all following rules, have been renumbered accordingly.
LR 10.4	Amended to require that the affiant's signature be notarized.
LR 10.7(a)	Amended to substitute "initial complaint" for "document".
LR 10.10(b)	Amended to substitute "may" for "will".
LR 10.11	New rule. Page Limitations Cross Reference Guide added.
July 1, 2002	
LR 10.3(b)	Amended to exempt administrative records in social security proceedings.
April 16, 2003	
LR 10.3(a)	Amended pursuant to the E-Government Act of 2002.
June 1, 2006	
Generally	Changed "Advisory Note.." to "Practice Tip" throughout. Format Examples modified. Cross References updated throughout. Appendix of Forms numbers updated. Format of numerals modified throughout;, i.e. "ten (10)"
LR 10-1(a)	Practice Tip deleted.
LR 10-2(b)	Example changed to reflect divisional venue requirement.
LR 10-2(f)	Restructured the sentence beginning with "The case number..."
LR 10-3	Deleted and moved to LR 5.5. Subsequent sections re-numbered.
LR 10-3	The word "Declarations" added to the section heading and body of the rule New subsections (b) and (c) added.
LR 10-4(b)	The word "..conventionally" added.
LR 10-9(b)	"The Court may issue..." sentence deleted.
December 1, 2009	
	The entire rule has been edited for clarity, brevity, and consistency. Clarified that rule applies to

Generally	<p>pleadings "and other documents."</p> <p>Updated lexicon, <i>i.e.</i>, substituted the word "fax" for "facsimile telephone."</p> <p>Included references to "footer."</p> <p>Updated cross-references and deleted references to Appendix of Forms.</p>
Rule Title	Added "AND OTHER DOCUMENTS"
LR 10-1	<p>Moved "Paper Requirements" from (a) to (g) and relettered other subsections accordingly.</p> <p>Edited for clarity, including addition of "when paper copies are filed with the clerk."</p> <p>Moved requirement of one-sided printing to different subsection. Clarified that pages should not be numbered on left side.</p> <p>Specified reference to Practice Tip regarding judges' copies.</p> <p>Changed "will" to "must."</p>
LR 10-1 (Practice Tips)	<p>Edited to clarify the requirement for pre-punching holes in documents sent to the Court.</p> <p>Added Practice Tip regarding judge's preferences on the location of the hole punches and information on acceptable permanent fastening accessories for larger documents.</p>
LR 10-2	<p>Practice Tip edited for clarity, including specifying that local counsel is always "lead" counsel for purposes of this rule.</p> <p>Eliminated statement that paper copies will be sent to lead counsel if local.</p> <p>Set out last sentence as separately numbered paragraph for emphasis and to clarify that, when paper service or filing is required by the rules, the Court will send paper copies only to "lead counsel" and pro se litigants.</p>
LR 10-3	Clarified that affidavits and declarations must have their own captions and footers, changed "will" to "must" in 10.3(a).
LR 10.4	Removed as duplicative of Fed. R. Civ. P. 5.1.
LR 10.5	Removed as a rule without a rule. Subsequent subsections renumbered.
LR 10.7	Removed as a rule without a rule. Subsequent subsections renumbered.
LR 10.8	Removed as a rule without a rule. Subsequent subsections renumbered.
LR 10-10	Added the Page Limitation Table into the rule.

LR 11 - Signature Requirements

(See [Fed. R. Civ. P. 11](#))

LR 11-1 Signature Requirements on Electronic Filings

(a) Signature

A Registered User's login and password required to electronically file documents via the CM/ECF system constitute the Registered User's signature for purposes of the Federal Rules of Civil Procedure, the Local Rules of this Court, and for any other purpose for which a signature is required in connection with proceedings before this Court.

(b) Format

Electronically filed documents must include a signature block, including the typed name of the Registered User who filed the document preceded by an "s/" (followed by the typed name) in the space where the signature would otherwise appear (*e.g.*, s/ John Q. Attorney.)

(c) Signatures of Non-Registered Users

Documents containing the signature of a Non-Registered User are to be filed electronically with the signature represented by an "s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image.

(d) Multiple Signatures

Documents requiring the signatures of more than one party must be electronically filed either by:

- (1) Submitting a scanned document containing all necessary signatures.
- (2) Representing the consent or stipulation of the other parties on the document.
- (3) Identifying on the document the signatures which are required and submitting written confirmation by the parties no later than seven (7) days after the filing, or
- (4) In any other manner approved by the Court.

Amendment History to LR 11	
June 1, 2002	
LR 11.2	New rule was added and cross-referenced to the Cm/ECF rule – LR 100.6.
June 1, 2006	
Generally	Cross References Updated Numeric expressions format modified; i.e. "ten (10)".
LR 11.3(c)(2)	The word "That" stricken.
December 1, 2009	
LR 11-1	Former LR 11.1 and 11.3 deleted. New LR 11-1 relocated from LR 100.6. Word "Register" corrected to be "Registered."
LR 11-1(d)	Three (3) days changed to seven (7) days.
Generally	References to "conventional" filings deleted and replaced by "electronic" filing.

LR 15 - Amended and Supplemental Pleadings

(See [Fed. R. Civ. P. 15](#))

LR 15-1 Amended and Supplemental Pleadings (See [LR 10-1](#) and [LR 10-2](#))

(a) Amended Document Title

The word AMENDED - and iteration number - must be included in the revised document title, e.g.

Example	THIRD AMENDED COMPLAINT
---------	-------------------------

(b) Supplemental Document Title

The word SUPPLEMENTAL must be included in a supplemental document title.

(c) Amended Document Requirements

An amended or supplemental pleading must reproduce the entire pleading and may not incorporate any part of the prior pleading by reference. In addition, any party moving an amended or supplemental pleading must describe the proposed changes.

(d) Exhibits to a Motion

- (1) A copy of the proposed amended pleading must be attached as an exhibit to any motion for leave to file the amended pleading.
- (2) Upon entry of an order granting the motion, the original amended pleading must be submitted to the clerk for filing.
- (3) The clerk will not detach the proposed amended pleading from the motion.

(e) Amendments by Interlineation

Amendments by interlineation are allowed only by order of the Court.

Amendment History to LR 15	
June 1, 2002	
LR 15.1	Cross Reference to LR 10.2 is added, and the example has been modified.
June 1, 2006	
LR 15-1(a)	Format example modified. The word "number" added.
LR 15-1(d)(2)	The word "submitted" substituted for "tendered"
LR 15-1(e)	The word "the" added.
December 1, 2009	
LR 15-1(c)	Amended to remove requirement that party filing an amended or supplemental pleading without a motion must "describe the changes made."

LR 16 - Pretrial Conferences, Scheduling, and Case Management

(See [Fed. R. Civ. P. 16](#))

LR 16-1 Court Actions Upon Initial Filing (See [LR 3-5](#))

At the time of the initial case filing, the Clerk's Office will:

(a) Case Assignment

Randomly select an assigned judge in accordance with the Court's Case Management Plan and assign a case number.

(b) Consent Forms

Issue Consent to Jurisdiction by a U.S. Magistrate Judge forms and other information packets. (See Consent to Jurisdiction by a Magistrate Judge form.)

(c) Process

Issue summons and other appropriate process.

(d) Scheduling Order

Issue a scheduling order as appropriate for the case. (See Discovery and Pretrial Scheduling Order form.)

LR 16-2 Rule 16 Conferences (See [Fed. R. Civ. P. 16](#))

Unless otherwise ordered by the Court:

(a) Counsel's Duty to Request Conference

Counsel for plaintiff(s) and for defendant(s), during or promptly after the conference of counsel for discovery planning referred to in [LR 26-1](#), must contact the assigned judge's courtroom deputy and request a Rule 16(b) scheduling and planning conference.

(b) Calendaring

At the Rule 16(b) scheduling and planning conference, counsel for the parties must have their calendars available and be prepared to discuss any of the issues enumerated in [Fed. R. Civ. P. 16\(b\) and 16\(c\)](#), including proposed modifications to the schedule outlined in the initial Discovery and Pretrial Scheduling Order issued by the Court at the commencement of the action.

(c) Conference Request Made At Any Time

Notwithstanding anything in this or any other local rule, any party may ask for a conference pursuant to [Fed. R. Civ. P. 16](#) at any time. This subsection applies to all civil cases, including those categories of cases mentioned in [Fed. R. Civ. P. 26\(a\)\(1\)\(B\)](#).

(d) Sample

See sample Order Establishing the Trial and Pretrial Conference Dates and Procedures for a type of order that may be used for the final pretrial conference held pursuant to [Fed. R. Civ. P. 16\(e\)](#). Requirements may vary depending upon the nature of the case.

(e) Completion of Discovery Defined

The initial case scheduling order establishes the time for completion of discovery. Unless otherwise directed by the Court, the following discovery related events must be completed by the completion of discovery date:

- (1) All depositions must be taken, including depositions to preserve testimony for trial.
- (2) All interrogatory or other discovery requests must be answered.
- (3) All documents must be produced pursuant to request.
- (4) The Court will not require a response to a discovery request that is made with insufficient time for a party to respond prior to the completion of discovery date.
- (5) Completion of discovery does not include expert depositions taken pursuant to [Fed. R. Civ. P. 26\(b\)\(4\)\(A\)](#).

LR 16-3 Motions to Change or Extend Court Imposed Deadlines

(a) Motions

Except as provided by [LR 16-2\(b\)](#), objections to any court-imposed deadline must be raised by motion and must:

- (1) Show good cause why the deadlines should be modified.
- (2) Show effective prior use of time.
- (3) Recommend a new date for the deadline in question.
- (4) Show the impact of the proposed extension upon other existing deadlines, settings, or schedules.

(b) Stipulations to Extend Deadlines or Schedules (See [LR 29](#))

LR 16-4 Alternate Dispute Resolution (ADR) (See [Fed. R. Civ. P. 16\(c\)\(2\)\(i\)](#))

(a) Scope and Application

Unless otherwise directed by the Court or as provided in paragraph (b) below, this rule applies to all civil cases filed in the district court.

(b) Exemptions

The following classes of cases are presumed to be exempt from this rule:

- Habeas Corpus Petitions;
- Prisoner Suits;
- 28 U.S.C. §2255 Claims;
- Social Security Appeals;

- Civil Forfeitures;
- Qui Tam Actions;
- IRS Summons Enforcement Actions;
- Student Loan Collection; and
- Bankruptcy Appeals.

(c) ADR Conference Requirements

Not later than one hundred-twenty (120) days from the initiation of a lawsuit, counsel for all parties (after conferring with their clients) must confer with all other attorneys of record and all unrepresented parties, to discuss whether the case would benefit from any private or court-sponsored ADR option.

(d) Joint ADR Report

Within one hundred-fifty (150) days of the initiation of a lawsuit, the parties must file a Joint Alternate Dispute Resolution Report form available on the Court's website at ord.uscourts.gov/civil-forms/local-forms/civil-forms.

(e) ADR Options - Generally

(1) Private ADR: The parties may agree to any form of ADR, including arranging mediation with a private mediator. The parties are to select and compensate the mediator and, in conjunction with the mediator, agree to the time, place, and duration of the mediation.

(2) Request for a Settlement Judge: The assigned judge, on his/her own motion or at the request of a party, may schedule a settlement conference before a judicial officer of this Court.

(3) Court-Sponsored Mediation: The assigned judge, on his/her own motion, or upon the motion or request of a party, may refer any civil case to mediation with a mediator on the Court's list of mediators.

(4) Non-Binding Summary Trial and Other Forms of ADR:

(A) The assigned judge, on his/her own motion or at the request of a party, may assign any civil case for a non-binding summary trial (including a summary jury trial for cases triable to a jury), a mini-trial, an advisory jury proceeding, or an arbitration hearing.

(B) The assigned judge, on his/her own motion or at the request of a party, may assign any civil case for any other ADR process (such as an advisory jury panel consisting of panel members not drawn from the jury pool who volunteer their time to hear case summaries and confer with counsel about settlement).

(f) Court-Sponsored Mediation Procedures

(1) Pro Bono Hours: Mediators on the Court-sponsored panel list agree to conduct mediation without cost to the parties for four (4) hours, exclusive of preparation time and travel time to or from the agreed location for the mediation. The mediator and the parties shall agree before the mediation on an hourly rate for the mediator in the event that the mediation continues beyond four (4) hours.

(2) Selection of a Mediator:

(A) The assigned judge will enter an order directing the parties to select a mediator from the Court's list of mediators, and to work with the mediator to agree to the time, place, and duration of the mediation.

(B) If the parties cannot agree upon a mediator within fourteen (14) days after entry of the order, the plaintiff's attorney (or the *pro se* plaintiff) must notify the assigned judge who will then designate a mediator.

(3) Judicial Immunity: During the conduct of Court-sponsored mediation, mediators act as officers of the Court, have judicial immunity, and are subject to the disqualification rule in LR 16-4(k).

(4) Mediation Process: After entry of the order of reference to mediation, the parties are required to provide such information and advice as the mediator requires. The mediator may schedule a preliminary conference prior to the mediation and may also require the parties to participate in the preliminary conference along with their attorneys.

(5) Participation by Counsel and Parties:

(A) The responsible attorney for each party must attend the mediation and any additional sessions and must be prepared to discuss in good faith:

(i) All liability issues;

(ii) All damage issues; and

(iii) The position and interests of his or her client relative to settlement.

(B) Unless excused by the mediator, a person with complete settlement authority for each party must attend the mediation. However, the United States may be represented by the trial attorney.

(C) Where a party's defense is provided by a liability insurer, a representative of the insurer, unless excused by the mediator, must attend the mediation conference and have full authority to bind the insurer to a settlement. This representative must also have ready telephonic access to another representative of the insurer, unless excused by the mediator, with authority to enter into a settlement up to the policy limits.

(D) Unless excused from attendance by the mediator, an attorney or party's willful failure to attend the mediation when required must be reported to the Court by the mediator and may result in the imposition of sanctions.

(g) Proceedings Privileged

(1) ADR proceedings (including all statements made by a party, attorney, or other participant, and/or any memorandum or written submission provided to the mediator or ADR facilitator), are privileged and, except as otherwise authorized by the Federal Rules of Evidence, will not be reported, recorded, or otherwise placed in evidence; made known to the trial court or jury; or construed for any purpose as an admission against interest.

(2) Unless waived in advance by the parties, or as otherwise authorized by the assigned judge, this privilege applies to ADR proceedings conducted pursuant to LR16-4(e)(1)-(4).

(3) No party will be bound by anything done or said in mediation unless a settlement is reached, in which event, the agreement upon a settlement will be reduced to writing and will be binding upon all parties to that agreement. In a dispute between the parties regarding the terms of the settlement, the terms of the settlement as communicated by the mediator and accepted by the parties are not privileged under LR 16-4(g)(1).

(h) Proceedings After Failure to Achieve an ADR Settlement

(1) Private ADR: Not later than seven (7) days following the conclusion of private ADR proceedings, the plaintiff's attorney (or the *pro se* plaintiff) will notify the Court in writing:

(A) Whether settlement (in whole or in part) was achieved; or

(B) Whether settlement could not be achieved and whether any (or all) of the parties believe that further judicial intervention (including the possibility of a settlement judge), will help to resolve the case.

(2) Court-Sponsored Mediation: Not later than seven (7) days following the conclusion of Court-sponsored mediation, the mediator will notify the assigned judge if no settlement is achieved and whether intervention by a settlement judge may help to resolve the matter.

(i) No Stay of Action

Unless ordered by the assigned judge, no stay of an action will take place during ADR. In addition, no scheduled dates for any required submission or proceeding, including trial, will be changed unless otherwise ordered by the assigned judge.

(j) Qualifications and Requirements of Mediators

(1) As a general rule, the parties may select and thereby set the qualifications of a private mediator or mediation service. The mediator is subject to the requirements of LR16-4(g).

(2) Court-sponsored mediators must submit an agreement to serve, advise the assigned judge in which divisions of this Court they are willing to serve, and agree to perform at least eight (8) hours of volunteer mediation service per year without payment.

(3) Court-sponsored mediators must be members in good standing of the Oregon State Bar who have been admitted to practice before the federal courts for a minimum of five years, or be a retired or senior judge.

(4) Court-sponsored mediators must have a minimum of twelve (12) hours of actual mediation experience and submit proof or a certificate of attendance for a minimum of thirty (30) hours of mediation training that includes such competencies as information gathering, effective communication, ethical concerns, the role of a mediator as a neutral third party, control of the mediation process, and problem analysis.

(5) The Clerk will maintain a list of Court-sponsored mediators by division of this Court.

(k) Disqualification of Mediators

Any person selected as a mediator may be disqualified for bias or prejudice as provided in 18 U.S.C. §144 and shall be disqualified in any case in which such action would be required of a justice, judge, or Magistrate Judge governed by 28 U.S.C. §455.

(l) ADR Program Administration

(1) An ADR Administrator is responsible for implementing, administering, overseeing, and evaluating the ADR program and procedures covered by LR 16-4.

(2) The Clerk will make pertinent rules, explanatory materials, and requisite forms available to the parties.

LR 16-5 Proposed Pretrial Order

(a) Filing Requirements

The parties may stipulate, subject to the approval of the Court, or the Court may order, that no pretrial order need be filed. Otherwise, the parties will prepare and sign a proposed pretrial order to be lodged with the Court on or before the date ordered by the Court.

(b) Content Requirements (See [Pretrial Order](#))

If there is no court-approved stipulation or order dispensing with the need for a pretrial order, the parties will prepare a proposed order to frame the issues for trial. At a minimum, the pretrial order must contain:

(1) A concise statement of the nature of the action, including whether trial will be by jury and whether the parties have consented to trial by a magistrate judge.

(2) A concise statement of each basis for federal jurisdiction and the facts supporting or disputing jurisdiction.

(3) All agreed facts; with an asterisk (*) by those where relevance is disputed.

(4) A statement of each claim and defense to that claim with the contentions of the parties. Contentions will not recite the evidence to be offered at trial but will be sufficient to frame the issues presented by each claim and defense.

(5) Other legal issues not stated under either claims or defenses and designating those appropriate for decision before trial.

(6) A statement indicating proposed amendments to the pleadings, if any.

(7) The same format should be used in the order for any counterclaim or cross-claims, followed by any affirmative defenses to each of those claims.

(c) Service and Lodging of Pretrial Order

Unless modified by the Court, the time for service and lodging of the pretrial order will be as follows:

(1) The plaintiff will, at least thirty (30) days before the lodging date, prepare and serve on all parties a proposed pretrial order.

(2) Within fourteen (14) days after service of that proposed pretrial order, each other party will serve on all parties the objections, additions, and changes such party believes should be made to the plaintiff's proposed pretrial order.

(3) All areas of disagreement must be shown in the proposed pretrial order, but the parties will make every effort to resolve such disagreements.

(4) The proposed pretrial order must be signed by the parties, and the plaintiff must lodge it with the Court.

(d) Effect of Pretrial Order

The pretrial order amends the pleadings, and it, and any later order of the Court will control the subsequent course of action or proceedings as provided in [Fed. R. Civ. P. 16](#).

Amendment History to LR 16	
June 1, 2002	
LR 16.5	New section (b) added. Original rule re-numbered to (a).
LR 16.7(a)	"preliminary" deleted from first sentence "...preliminary pretrial conference..."
LR 16.7(c)	"preliminary" deleted from first sentence "...preliminary pretrial conference..."
February 10, 2003	
LR 16.5	Commentary added
June 1, 2006	
Generally	Added references to Appendix of Forms. Updated cross references throughout. Numeric formats modified; i.e. "ten (10)".
LR 16.1(a)	Text from subsection (b) moved to this section with subsequent subsections re-lettered.
LR 16.1(b)	The words "..Consent to Jurisdiction by a U.S. ..." added. The word "consent" stricken
LR 16.1(d)	The words "..a scheduling order as appropriate for the case..." added. The words " Discovery and Pretrial Scheduling Order" deleted.
LR 16.2	Heading modified
LR 16.2(a)	The word "request" substituted for "schedule". The phrase beginning with ".." and the assigned judge..." deleted.
LR 16.2(b)	The words "initial court " stricken and replaced with "Rule 16(b) scheduling and planning.." The words "discovery, Magistrate Judge consent" stricken and replaced with "of the issues enumerated".
LR 16.2(c)	Commentary deleted
LR 16.2(d)	Subsection (d) added with subsequent sections re-lettered
LR 16.3	The word "Imposed" substituted for the word "Established" in the heading.
LR 16.4(h)(1)(b)	The word "including" substituted for the words "to include".
LR 16.4(h)(2)	The words "he or she"" substituted for the word "they".

LR 16.4(j)	The phrase "...provided by the clerk.." stricken. The word "calendar" stricken
LR 16.6(c)(3)	The word "All.." substituted for "If there are..." Remainder of sentence modified to make it grammatically correct
LR 16.6(c)(4)	The word "will" changed to "must" throughout
LR 16.7	Deleted
December 1, 2009	
LR 16-2(a) and (b)	The word "shall" changed to "must."
LR 16-2(c), (d), and (e)	Reference to Fed. R. Civ. P. 26(a)(1)(E) changed to 26(a)(1)(B), 16(d) changed to 16(e), and 16(c)(12) changed to 16(c)(2)(I)
LR 16-3	Title changed from "Objections to Court Imposed Deadlines" to "Motions to Change or Extend Court Imposed Deadlines."
LR 16-3(a)	Header "Objections" changed to "Motions."
LR 16-3(b)	Reference deleted to LR 6.
LR 16-4(f)(1)(D)	Ten (10) days changed to fourteen (14) days.
LR 16-6(c)(2)	Fifteen (15) days has been changed to fourteen (14) days.
Generally	Cross-references updated and references to Appendix of Forms deleted.
January 1, 2011	
LR 16-4(b)	Reduced the categories of cases presumed to be exempt from the Alternate Dispute Resolution ("ADR") rules.
LR 16-4(d)	Added the location of the Joint ADR Report form on the Court's website.
LR 16-4(e)	Clarified language in the rules regarding private ADR, the use of settlement judges, and Court-sponsored mediation. Reinforced the assigned judges' powers to refer a civil case to a non-binding summary trial, a mini-trial, an advisory jury proceeding, an arbitration, or any other form of ADR.
LR 16-4(f)	Clarified the procedures for Court-sponsored mediation.
LR 16-4(f)(5)(B)	Added requirement that representatives of the parties and their liability insurers attend the mediation and have settlement authority.
LR 16-4(j)	Changed the reference from "volunteer mediators" to "Court-sponsored mediators." Added the following requirements in order for an applicant to become a Court-sponsored mediator: a minimum of twelve (12) hours of actual mediation experience and submit proof or a certificate of attendance for a minimum of thirty (30) hours of mediation training that includes such competencies as information gathering, effective communication, ethical concerns, the role of a mediator as a neutral third party, control of the mediation process, and problem analysis.
LR 16-4(k)	New section regarding the disqualification of mediators.
LR 16-5	Moved to LR 16-4(e).

LR 23 - Class Actions

(See [Fed. R. Civ. P. 23](#))

LR 23-1 Document Caption Requirements (See [LR 10-2](#))

The words CLASS ACTION ALLEGATION must be included on the first line of any document proposing or seeking to maintain a class action.

Example	CLASS ACTION ALLEGATION COMPLAINT Product Liability Action (28 U.S.C. § 1332) DEMAND FOR JURY TRIAL
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LR 23-2 Pleading Requirements

The filing party must also explain in separately titled and numbered paragraphs within the body of the document:

- (a) How this action meets the prerequisites mandated by [Fed. R. Civ. P. 23\(a\)](#);
- (b) How this action can be maintained as a class action under the provisions of [Fed. R. Civ. P. 23\(b\)](#);
- (c) The basis upon which the party claims either to be an adequate representative of the class; or that the class is comprised of defendants, and that those individuals named as defendants are adequate representatives of the proposed class; and
- (d) The question(s) of law and fact alleged to be common to the class.

Amendment History to LR 23	
June 1, 2002	
LR 23.1	Filed by line removed from example
June 1, 2006	
LR 23.1	Format example modified
December 1, 2009	
LR 23-1	"Demand for Jury Trial" capitalized.

LR 26 - General Discovery Provisions

(See [Fed. R. Civ. P. 26](#))

LR 26-1 Initial Conference of Counsel for Discovery Planning (See [Fed. R. Civ. P. 26\(f\)](#))

Unless exempted under [Fed. R. Civ. P. 26\(a\)\(1\)\(B\)](#) or otherwise ordered by the Court:

- (a) The parties must hold a Fed. R. Civ. P. 26(f) initial conference of counsel for discovery planning within thirty (30) days after all defendants have been served. Counsel for plaintiff(s), upon learning the identity of counsel for defendant(s), must initiate communications with counsel for defendant(s). All counsel must then confer as required by [Fed. R. Civ. P. 26\(f\)](#).
- (b) No written report of the initial conference of counsel for discovery planning is required (other than the form that is referred to in LR 26-2), but the parties must be prepared to report orally to the Court as to their discovery plan.
- (c) The parties may seek discovery once the initial conference of counsel for discovery planning contemplated by this local rule has occurred.

Practice Tip
When making either an oral or written report of the initial conference to the Court, the parties are expected to address the items listed on Form 52 of the Federal Rules of Civil Procedure, Appendix of Forms.

LR 26-2 Initial Disclosures (See [Fed. R. Civ. P. 26\(a\)\(1\)](#))

Unless otherwise ordered by the Court, parties who agree to forgo the disclosures required by [Fed. R. Civ. P. 26\(a\)\(1\)](#) can do so using the form issued at the time of filing (*see* Fed.R.Civ.P. 26(a)(1) Discovery Agreement form).

LR 26-3 Discovery Motions (See [Fed. R. Civ. P. 26](#) and [LR #37](#))

(a) Document Title (See [LR 10-2](#))

The document title must substantially comply with the following format:

Example	PLAINTIFF JOHN SMITH'S MOTION TO COMPEL
Example 2	DEFENDANT ABC CORPORATION'S RESPONSE TO PLAINTIFF JOHN SMITH'S MOTION TO COMPEL PRODUCTION

(b) Page Limits

Without prior Court approval, memoranda must be ten (10) pages or less (exclusive of exhibits).

(c) No Replies

Unless otherwise directed by the Court, a movant may not file a reply supporting a discovery motion.

(d) Motions to Compel (See [LR #37](#)).

(e) Calendaring (See [LR 7-1\(e\)](#) and [LR 7-1\(f\)](#)).

(f) Resolving Discovery Disputes by Telephone Conference

Parties encountering a discovery problem may telephone the assigned judge to set up a telephone conference to help resolve the issue(s). If the assigned judge is unavailable, the Court will attempt to have the telephone conference handled by another judge.

LR 26-4 Motions for Protective Orders (See [Fed. R. Civ. P. 26\(c\)](#) and [LR 3-8](#))

A party or person asserting there is good cause for the Court to make an order that would limit access to discovery materials not filed with the Court, or would authorize a party or person to file any materials with the Court under seal, must show with respect to each particular material or category of materials that specific prejudice or harm will result if no order is granted. The showing must be sufficiently detailed to permit the Court in its good cause examination to identify specific factors supporting entry of the order sought. Where the order sought would authorize a party to file materials under seal, the showing also must articulate why, as an alternative to filing under seal, the information sought to be protected could not be redacted. Broad allegations of harm, unsubstantiated by specific examples or articulated reasoning does not satisfy the requirements of this rule. The showing must be made even if the other party stipulates to the entry of the order.

Commentary

Parties or persons applying for protective orders or orders authorizing the party or person to file materials under seal should review *Foltz v State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122 (9th Cir. 2003); *Phillips v. General Motors Corp.*, 307 F.3d 1206 (9th Cir. 2002); *Beckman Industries, Inc. v International Ins. Co.*, 966 F.2d 470 (9th Cir. 1992); *Gisby v Les Schwab Tire Center of Oregon, Inc.*, 2004 WL 848191 (D. Or. 2004); and *Fischer v City of Portland*, 2003 WL 235#37981 (D. Or. 2003).

LR 26-5 Waiver of Objections

(a) Objections Must be Timely

Failure to object to a discovery request within the time permitted by the Federal Rules of Civil Procedure, or within the time to which the parties have agreed, constitutes a waiver of any objection.

(b) Description Within Reasonable Time

By making a timely objection, a party may preserve its privilege or its protection against production of attorney work product or trial preparation material without simultaneously providing a "privilege log" or a description of the claims of privilege or work product required by [Fed. R. Civ. P. 26\(b\)\(5\)](#). However, such a "privilege log" or description of the claims of privilege or work product required by [Fed. R. Civ. P. 26\(b\)\(5\)](#) must be provided within a reasonable time after service of timely objections to a discovery request.

Amendment History to LR 26

December 1, 2000

LR 26.1 & LR 26.2	Revised and amended to conform with amendments to Fed. R. Civ. P. 26.
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June 1, 2002

LR 26.4(b)	Cross Reference to LR 5.2 updated.
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LR 26.5(a)	Cross Reference to LR 10.2 added.
LR 26.5(c)	Cross Reference to LR 7.1 removed. The word "may" substituted for "must".
June 1, 2006	
Generally	Cross references updated. Appendix of Forms numbers updated. Format examples modified.
LR 26.2(b)	Text and Practice Tip deleted. Commentary added.
LR 26.3	The phrase "preliminary pretrial . . ." deleted; " and the words "Rule 16" added.
LR 26.4(a)	The words "the Rule 16" substituted for the words "a pretrial".
LR 26.5(a)	"The document" sentence added.
LR 26.5(b)	The word "Briefs" deleted and replaced with the word "memoranda"
LR 26.5(d)	New Rule with subsequent sections re-lettered.
LR 26.5(f)	Text of LR 16.2 moved to this rule.
LR 26.6	New rule and Practice Tip.
LR 26.7	New Rule in light of <i>Burlington Norther & Santa Fe Ry. Co. v U.S. Dist. Court for Dist. of Montana</i> , 408 F3d 1142 (9th Cir. 2005)
December 1, 2009	
LR 26-2	Commentary #3 deleted.
LR 26.3 & 26.4	Former LR 26.3 & 26.4 deleted with subsequent rules renumbered.
Generally	Cross-references updated and reference to Appendix of Forms deleted.
January 1, 2011	
LR 26-1	Addition of a Practice Tip for parties to address the items listed on Form 52 from the Federal Rules of Civil Procedure, Appendix of Forms, when reporting on the initial conference to the Court.

LR 27 - Depositions: Before Action or Pending Appeal

(See [Fed. R. Civ. P. 27](#))

LR 27-1 Before Action Filed (See [Fed. R. Civ. P. 27\(a\)](#))

(a) A party seeking to perpetuate testimony must file a verified petition and proposed order with the clerk's office.

(b) Upon payment of the required filing fee, the clerk's office will open a miscellaneous case and refer the petition and proposed order to the duty magistrate judge for calendaring and disposition.

LR 27-2 Pending Appeal (See [Fed. R. Civ. P. 27\(b\)](#))

Unless otherwise requested by a party, motions to perpetuate testimony pending an appeal will be processed as a discovery motion pursuant to [LR 26-3](#).

LR 27-3 Relationship to [LR 30](#).

The requirements of [LR 30](#) apply to depositions conducted under LR 27.

Amendment History to LR 27	
December 1, 2009	
Generally	Cross-references updated.
LR 27-1	Former LR 27.1(b) deleted as a rule without a rule and subsections (1)(a) and (b) renumbered.

LR 29 - Stipulations

(See [Fed. R. Civ. P. 29](#))

LR 29-1 Non-Permissible Stipulations

Parties may not stipulate to extend any:

- (a) Deadline established by the case scheduling order.
- (b) Filing deadline established by the Court, the Federal Rules of Civil Procedure, or these local rules.
- (c) Court-scheduled conference.
- (d) Pretrial order lodging date.
- (e) Trial date.

Amendment History to LR 29	
June 1, 2006	
LR 29.1(b)	New rule with subsequent sections re-lettered
LR 29.1(c)	The words "telephone" and "date" stricken.
LR 29.2	Deleted.

LR 30 - Depositions

(See [Fed. R. Civ. P. 30](#))

LR 30-1 Depositions - Generally

(a) Not Filed With the Court (See [LR 5-2](#))

Unless directed by the Court, depositions will not be filed with the Court. Instead, they will be maintained by counsel and made available to parties in accordance with Fed. R. Civ. P. 30(b). Depositions presented for filing without approval will be returned to the offering party.

(b) Use of Non-Filed Depositions

This rule does not preclude the use of deposition transcripts as exhibits or evidence in support of a motion, or for introduction and use at trial.

(c) Availability of Copies to Non-Parties

With leave of court during the pendency of a civil action, any person may obtain a copy of a deposition not on file provided they:

- (1) Serve notice of their request and proposed order on all parties;
- (2) Receive approval; and
- (3) Pay the cost for a copy of the deposition.

LR 30-2 Notice of Deposition

Except for good cause, counsel will not serve a notice of deposition until they have made a good faith effort to confer with all counsel regarding a mutually convenient date, time, and place for the deposition.

LR 30-3 Conduct of Counsel (See [Fed. R. Civ. P. 30\(c\) and \(d\)](#))

Counsel to a deposition will not engage in any conduct that would not otherwise be allowed in the presence of a judge.

LR 30-4 Objections (See [Fed. R. Civ. P. 30\(c\)\(2\)](#))

There should be no argument in response to an objection or an instruction not to answer.

LR 30-5 Pending Questions

If a question is pending, it must be answered before a recess is taken unless the question involves a matter of privacy right, privilege, or an area protected by the constitution, statute, or work product.

LR 30-6 Motions Relating to Depositions (See [Fed. R. Civ. P. 30\(d\)\(3\)](#))

(a) If the parties have a dispute which may be resolved with assistance from the Court, or if unreasonable or bad faith deposition techniques are being used, the deposition may be suspended so that a motion may be made immediately and heard by an available judge, or the parties may hold a telephone conference pursuant to [LR 16-2\(c\)](#).

(b) Alternatively, a written motion relating to the deposition may be filed after a transcript is available.

(c) The Court may impose costs, including attorney fees, on any person responsible for unreasonable or bad faith deposition techniques or behavior.

Amendment History to LR 30	
December 1, 2009	
LR 30-1 & LR 30-6	Corrected text to insert the (missing) word Court.
LR 30-4	Changed the reference from Fed. R. Civ. P. 30(d)(1) to 30(c)(2).
LR 30-5	Grammatical error corrected.
LR 30-6	Changed the reference from Fed. R. Civ. P. 30(d)(3) to 30(d).
LR 30.7	Removed as a rule without a rule.
LR 30.8	Removed as being inconsistent with Fed. R. Civ. P. 26(b)(4).
Generally	Cross-references updated

LR 33 - Interrogatories

(See [Fed. R. Civ. P. 33](#))

LR 33-1 Interrogatories - Generally

(a) **Not Filed With the Court (See [LR 5-2](#))**

Unless directed by the Court, interrogatories, objections, and answers will not be filed with the Court. Instead they will be maintained by counsel and made available to parties upon request. Interrogatories presented for filing without Court approval will be returned to the offering party. To facilitate responding, a courtesy copy of the interrogatories must be e-mailed concurrently pursuant to [LR 5-2\(b\)](#).

(b) **Use of Non-Filed Interrogatories**

This rule does not preclude the use of interrogatories and answers as exhibits or evidence in support of a motion or at trial.

(c) **Definitions**

Each interrogatory must state in concise language the information requested. In no case may an interrogatory refer to a definition not contained within the interrogatory or the preamble. Only terms actually used in a set of interrogatories may be defined.

(d) Prohibited Form of Interrogatories

Broad general interrogatories, such as those which ask an opposing party to "state all facts on which a contention is based" or to "apply law to facts," are not permitted.

LR 33-2 Answers to Interrogatories

(a) Answers and objections to interrogatories must set forth each question in full before each answer or objection. Each objection must be followed by a statement of reasons.

(b) When an objection is made to part of an interrogatory, the remainder of the interrogatory must be answered at the time the objection is made, or within the period of any extension of time to answer, whichever is later.

LR 33-3 Motions to Compel (*See [Fed. R. Civ. P. 33\(b\)](#) and [LR #37](#)*)

(a) Requirements

Motions to compel must set forth only the pertinent interrogatory question, objection, and legal arguments.

(b) Certification Requirements

The Court will deny any motion to compel that does not contain the certification requirements mandated by [LR 7-1\(a\)](#).

Amendment History to LR 33	
June 1, 2006	
Generally	Cross references added and updated.
LR 33.1(a)	The first sentence divided into two sentences. "Interrogatories shall be served...." added.
LR 33.1(b)	The words "for introduction" stricken.
LR 33.3	Re-numbered to LR 33.4.
LR 33.4	Re-numbered to LR 33.3 and text deleted.
LR 33.5	The words "With Order Compelling Answers" added to the heading.
December 1, 2009	
LR 33-1(a)	Removed the language that interrogatories shall be served pursuant to Fed. R. Civ. P. 5 and inserted text, "To facilitate responding, a courtesy copy of the interrogatories must be e-mailed concurrently...." The word "will" substituted for "shall."
LR 33.3	Removed as a rule without a rule. Subsequent rules renumbered accordingly.

LR 34 - Requests for Production

(See [Fed. R. Civ. P. 34](#))

LR 34-1 Requests for Production - Generally

(a) Not Filed With the Court (See [LR 5-2](#))

Unless directed by the Court, requests for production will not be filed with the Court. Instead they will be maintained by counsel and made available to parties upon request. Requests for production presented for filing without Court approval will be returned to the offering party. To facilitate responding, a courtesy copy of the requests for production must be e-mailed concurrently pursuant to [LR 5-2\(b\)](#).

(b) Use of Non-Filed Requests

This rule does not preclude the use of requests for production and responses as exhibits or evidence in support of a motion, or at trial, subject to appropriate rules of evidence.

(c) Definitions

Each request must state in concise language the information requested. In no case may a request refer to a definition not contained within the request or the preamble. Only terms actually used in the request for production may be defined.

LR 34-2 Responses and Objections (See [Fed. R. Civ. P. 34\(b\)\(2\)](#))

(a) Responses must set forth each request in full before each response or objection. Each objection must be followed by a statement of reasons.

(b) When an objection is made to part of a request for production, a response must be made to the remainder of the request at the time the objection is made, or within the period of any extension of time to respond, whichever is later.

Amendment History to LR 34

June 1, 2006

LR 34.1(a)	The first sentence divided into two sentences. The sentence "Requests for production shall be served" added.
LR 34.1(b)	The words "for introduction" stricken.
LR 34.3	Cross-reference to LR 26.7 added and text deleted.
LR 34.5	The words "With Order Compelling Production" added to heading. Cross-reference updated.

December 1, 2009

LR 34-1(a)	Removed the language that requests for production "shall be served pursuant to Fed. R. Civ. P. 5" and inserted text, "To facilitate responding, a courtesy copy of the interrogatories must be e-mailed concurrently...." The word "will" substituted for "shall."
LR 34-2	Corrected Fed. R. Civ. P. 34(b) reference to 34(b)(2).
LR 34.3	Removed as a rule without a rule.
LR 34.4	Removed as a rule without a rule.
LR 34.5	Removed as a rule without a rule.

LR 36 - Requests for Admission

(See [Fed. R. Civ. P. 36](#))

LR 36-1 Requests for Admission - Generally

(a) Not Filed With the Court (See [LR 5-2](#))

Unless directed by the Court, requests for admission will not be filed with the Court. Instead they will be maintained by counsel and made available to parties upon request. Requests for admission presented for filing without Court approval will be returned to the offering party. To facilitate responding, a courtesy copy of the requests for admission must be e-mailed concurrently pursuant to [LR 5-2\(b\)](#).

(b) Use of Non-Filed Requests

This rule does not preclude the use of requests for admission and responses as exhibits or evidence in support of a motion or at trial.

(c) Definitions

Each request must state in concise language the admission requested. In no case may a request for admission refer to a definition not contained within the request for admission or preamble. Only terms actually used in the request for admission may be defined.

LR 36-2 Response or Objections (See [Fed. R. Civ. P. 36\(a\)](#))

Every response, denial, or objection must set forth each request in full, followed by the admission, denial, or objection. Each objection must be followed by a statement of reasons.

Amendment History to LR 36

June 1, 2006

LR 36.1(a)	The first sentence divided into two sentences. "Requests for admissions shall be served . . .
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	." added
LR 36.1(b)	The words "for introduction" stricken
LR 36.3	New Rule adding Waiver of Objections and Cross Reference to LR 26.7. Motions to Compel re-numbered to LR 36.4
LR 36.5	The words "With Order Compelling Response to Request for Admissions" added to heading
December 1, 2009	
LR 36-1(a)	Text change to last sentence, from "Requests for admission shall be served pursuant to Fed. R. Civ. P. 5...." to "To facilitate responding, a courtesy copy of the requests for admission must be e-mailed concurrently...." The word "will" substituted for "shall."
LR 36.3	Removed as a rule without a rule.
LR 36.4	Removed as a rule without a rule.
LR 36.5	Removed as a rule without a rule.

LR #37 - Motions to Compel

(See [Fed. R. Civ. P. #37](#))

LR #37-1 Motion Requirements (See [LR 7](#))

(a) Requirements

Motions to compel must comply with [LR 26-3](#) and set forth only the pertinent interrogatory, question, request, response, and/or objection, together with the legal arguments of the party.

(b) Certification Requirements

The Court will deny any motion to compel that does not contain the certification requirements mandated by [LR 7-1\(a\)](#).

LR #37-2 Time Limits

Unless otherwise directed by the Court, the party against whom an order to compel has been entered must comply with the order within fourteen (14) days after the date of entry of the order.

Amendment History to LR #37	
June 1, 2006	
LR #37.1	Rule deleted as already addressed in LR 7.1(a). Subsequent rules re-numbered.

LR #37.1	Cross reference to LR 7.3 added. The words "comply with LR 26.5 . . ." added. The words "in conformity . . ." deleted.
LR #37.2	The words "eleven (11)" substituted for "seven". The phrase "the date of entry . . ." substituted for "receipt"
December 1, 2009	
LR #37-1(b)	New subsection to require compliance with LR 7-1(a).
LR #37-2	Time limit changed from "eleven (11)" days to "fourteen (14)" days.

LR 38 - Right to a Jury Trial

(See [Fed. R. Civ. P. 38](#))

LR 38-1 Demand for Jury Trial

The words DEMAND FOR JURY TRIAL must be included on the last line of the document title of any jury demand instrument filed pursuant to [Fed. R. Civ. P. 38\(b\)](#).

Example	ANSWER by ABC Corporation, Inc. and DEMAND FOR JURY TRIAL
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Amendment History to LR 38	
December 1, 2009	
LR 38 Title	Changed from Jury Trial of Right to Right to a Jury Trial.
LR 38-1	Subsection (b) removed.
LR 38.2	Removed as a rule without a rule.
LR 38.3	Removed as a rule without a rule.
LR 38.4	Removed as a rule without a rule.
LR 38.5	Removed as a rule without a rule.
LR 38.6	Removed as a rule without a rule.

LR 40 - Scheduling Cases for Trial

(See [Fed. R. Civ. P. 40](#))

LR 40-1 Scheduling Cases for Trial

Setting a case for trial is the responsibility of the judge to whom the case is assigned and may be made (1) without request of the parties, or (2) upon request of a party and notice to the other parties.

Amendment History to LR 40	
December 1, 2009	
LR 40	New Rule.

LR 41 - Dismissal of Action

(See [Fed. R. Civ. P. 41](#))

LR 41-1 Voluntary Settlement - Notice of Settlement

(a) Notice of Settlement

Immediately upon reaching substantial agreement about the terms and conditions of a settlement, plaintiff's counsel must notify the courtroom deputy clerk for the assigned judge of the impending settlement.

(b) Assessment of Juror Costs for Late Notices

If the Court finds that the parties failed to notify the trial judges' courtroom deputy clerk and the trial judge of the settlement not later than 3:00 pm of the business day preceding the day the trial is to commence, and that the parties had the opportunity to do so, the Court may assess the costs of summoning and paying prospective jurors on one or more of the parties.

(c) Order of Dismissal

Upon notice of settlement pursuant to LR 41-1(a), the Court will direct the clerk to dismiss the case with prejudice and without costs, and with rights to any party to reopen the case in the event of a failure to consummate the final settlement agreement within sixty (60) days.

LR 41-2 Involuntary Dismissal (See [Fed. R. Civ. P. 41\(b\)](#))

(a) Order to Show Cause

The Court may notice for hearing any action or proceeding which does not appear to be diligently prosecuted.

(b) Party Statement Requirements

Not later than seven (7) days prior to the hearing date, each party will file and serve a statement describing:

- (1) The status of the action or proceedings to date; and

(2) Whether good cause exists to dismiss the action or proceeding for failure to prosecute.

(c) Filing Motion to Dismiss

Nothing in this rule will preclude any party from filing a motion to dismiss an action or proceeding for failure to prosecute under [Fed. R. Civ. P. 41](#).

Amendment History to LR 41	
December 1, 2009	
LR 41-1(a)	The word "telephone" changed to "notify." The phrase "to notify the Court" deleted.
LR 41-2(b)	Period of five (5) days changed to seven (7) days.
LR 41-1(b)	Former LR 47.1(b)

LR 42 - Consolidation; Separate Trials

(See [Fed. R. Civ. P. 42](#))

LR 42-1 Reference to The Manual for Complex Litigation

Unless otherwise directed by the Court, consolidation and case management of complex or related cases are governed by the principles set forth in *The Manual for Complex Litigation* (4th ed. 2004).

Practice Tip
This manual is published by The Federal Judicial Center and may be purchased from the U.S. Government Printing Office: 1995 - 395 - 123 / 30538, and also available from other sources, including Mathew Bender, West, and the Internet (www.fjc.gov).

LR 42-2 Responsibilities of Counsel

It is the responsibility of counsel to identify complex or related cases and to bring the matter promptly to the attention of the Court.

LR 42-3 Related Cases

For good cause shown and consistent with [Fed. R. Civ. P. 42](#), any party may file and serve a motion to consolidate, or oppose consolidation, or for a separate trial of related cases. When a party seeks or opposes consolidation, the motion or opposition must be filed in each case to be consolidated. Each motion or opposition must include:

- (a) The case number, case title, and assigned judge of every related case pending in the District of Oregon.
- (b) The case number, case title, assigned judge, and court location of every other related case pending in any other state or federal court.
- (c) The common question of law or fact at issue in each case.

- (d) The status in each case of all pending motions, Court imposed deadlines, case management schedules, trial dates, etc.
- (e) The reason that the cases should be reassigned and managed by a single judicial officer.
- (f) The position of the other parties, if known.
- (g) The scope of consolidation requested, *e.g.*, for hearing on a motion; for pretrial and discovery; or for all further proceedings, including trial.

LR 42-4 Document Caption Requirements After Consolidation

(a) Designation of Lead Case

Unless otherwise directed by the Court, the earliest filed consolidated case will be designated as the lead case for administrative control and case management purposes.

(b) Identifying Lead Case Information on Consolidated Case Papers

Unless otherwise directed by the Court, parties will file all pleadings, motions, and other case documents in the lead case only. The case number and designation of the lead case must be listed first in the document title of every document filed in consolidated cases.

Practice Tip

For example, if a party in case 04-CV-1111-RE, which has been consolidated with 04-CV-999-RE, wishes to file a motion to compel, then the document title for the motion would read as follows:

04-CV-999-RE (Lead Case)

04-CV-1111-RE (Trailing Case)

PLAINTIFF JOHN SMITH'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Amendment History to LR 42

June 1, 2002

LR 42.5(c)	". . . . submission of pleadings and documents" added.
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June 1, 2006

LR 42.1	"This manual is published . . ." stricken and moved to new Practice Tip. Practice Tip added.
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LR 42.4(g)	The word "etc." stricken.
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LR 42.5(b)	Practice Tip examples modified
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December 1, 2009

LR 42	Changed caption.
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LR 42-1	Changed publication references.
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LR 42.3	Former LR 42.3 Deleted
LR 42-3	Former LR 42.4. Caption amended. Added "and consistent with Fed. R. Civ. P. 42," and deleted "of two or more cases."
LR 42-4	Former LR 42.5 with subsection (c) deleted.
January 1, 2011	
LR 42-4(b)	Rule modification to reflect current practice of filing documents in the lead case only following consolidation of cases. CM/ECF functionality allows the text of the events to be spread to the trailing cases thereby maintaining all of the individual case dockets.

LR 47 - Selecting Jurors

(See [Fed. R. Civ. P. 47](#))

LR 47-1 Selecting Jurors

(a) Examination of Jurors - Generally

The Court will conduct the voir dire examination of jurors. The matter of attorney voir dire can be addressed with the trial judge at the preliminary pretrial conference.

(b) Supplemental Questions by the Parties

Counsel may submit and serve any questions which they desire to be propounded to the jurors at such time as the Court orders. If there is no such order, questions must be submitted at least seven (7) days before trial.

LR 47-2 Challenges for Cause (See [Fed. R. Civ. P. 47\(c\)](#))

Challenges to excuse a juror for cause will be taken orally.

LR 47-3 Peremptory Challenges (See [Fed. R. Civ. P. 47\(b\)](#))

(a) Numbers of Peremptory Challenges (See 28 U.S.C. § 1870)

The trial judge will establish the number of peremptory challenges at the final pretrial conference.

(b) Procedures for Exercising Peremptory Challenges

Unless otherwise directed by the Court, the parties will exercise their peremptory challenges in the following manner:

Step (1) Prior to the commencement of the trial, the courtroom deputy clerk will prepare a seating chart - or a numbered list - showing the names and seated positions of the jurors to be examined.

Step (2) When the time comes to exercise peremptory challenges, the clerk will circulate the seating chart between the parties, starting with the plaintiff.

Step (3) Peremptory challenges will be exercised one-at-a-time, starting with the plaintiff, and alternating between the parties until completed.

Step (4) A party may exercise a peremptory challenge by circling the juror's name on the seating chart, and marking the chart with the number of the challenge, *e.g.*, P-1, D-1, and so forth.

Step (5) If a party elects to pass a peremptory challenge, the decision to pass will be counted as though the challenge had been exercised. However, it will not constitute a waiver of subsequent challenges unless there are no subsequent challenges by any other party.

Amendment History to LR 47	
June 1, 2002	
LR 47.2(b)	". . . and serve" was added
December 1, 2009	
LR 47	Modified caption.
LR 47.1	Former LR 47.1(a) deleted and subsection (b) moved to LR 41-1. Subsequent rules renumbered.
LR 47-1(b)	Deadline for parties to submit supplemental questions changed from "three (3)" days to "seven (7)" days before trial.

LR 48 - Jurors and Participation in the Verdict

(See [Fed. R. Civ. P. 48](#))

LR 48-1 Number of Jurors

The Court will fix the number of jurors in a civil case.

LR 48-2 No Communications With Jurors - Before, During, and After Trial

Except as authorized by the Court, attorneys, parties, witnesses, or court employees must not initiate contact with any juror concerning any case which that juror was sworn to try.

Commentary
Previous LR 48-2 allowing a party to request a jury poll was eliminated because Fed. R. Civ. P. 48(c) now specifically allows for jury polling and sets out the procedure if there is a lack of assent or unanimity.

Amendment History to LR 48

June 1, 2006

LR 48.3	Heading modified to add the word "No . . ." and "After Trial" Subsection (a) heading deleted. The "authorized" substituted for the phrase "necessary during trial or as ordered . . ." The word "attorneys" added. Reference to Oregon State Bar Disciplinary Rule DR 7-108 deleted
LR 48.3(b)	Rule Deleted
LR 48.4	Rule Deleted
December 1, 2009	
LR 48.2	Former LR 48.2 deleted (see Commentary) and subsequent rule renumbered.

LR 51 - Instructions to the Jury

(See [Fed. R. Civ. P. 51](#))

LR 51-1 Proposed Jury Instructions

(a) Scope of Party Submissions

To request model instructions for issues not specific to the subject matter of a case (*e.g.*, instructions located in Chapters 1, 2, and 3 of the Ninth Circuit's Manual of Model Civil Jury Instructions), submit only the suggested instruction number and title corresponding to the requested instruction. Instructions specific to the issues in the case must be submitted as specified in LR 51-1(b)-(d).

(b) Application of Model or Uniform Jury Instructions

When Oregon law applies, the applicable Oregon State Bar Uniform Civil Jury Instructions should be used. In other cases, and unless otherwise directed by the Court, the applicable Ninth Circuit Model Jury Instructions should be used.

(c) Number of Instructions

If more than ten (10) instructions specific to the issues in the case are submitted, include an index.

(d) Format Requirements

- (1) Each instruction must begin on a separate page.
- (2) The complete set of jury instructions specific to the issues in the case must be submitted, in plain text or rich text format, as an attachment to an e-mail message sent to the Judge's Courtroom Deputy Clerk immediately following the electronic filing of the proposed instructions in the CM/ECF system.
- (3) Each instruction must embrace only one subject, and must be numbered consecutively using the model or uniform jury instruction numbers where applicable.
- (4) Each instruction must be brief, impartial, understandable, and free from argument. The

principle stated in one instruction must not be repeated in any other instruction.

(5) Except when citing to a model or uniform jury instruction, the text of each instruction must be set out in full. In the case of model or uniform jury instructions, citation to the model or uniform jury instruction number is sufficient.

(6) Each instruction must contain in a footnote citations of authority in support of the principle of law stated in the instruction.

Commentary
The native, proprietary formats of word processors like Microsoft Word (.docx, .docx) and Corel WordPerfect (.wpd) do not comply with Rule 51-1. To create a plain text or rich text file in compliance with Rule 51-1, users must use the "Save as" word processing feature, selecting an appropriate entry from the pull-down list of file types. For example, the "Save as type" list in Microsoft Word includes two compliant options: Rich Text Format (*.rtf) and Plain Text (*.txt). The "File type" list in WordPerfect includes two equivalent options: Rich Text Format (RTF) and ASCII DOS Text.

Amendment History to LR 51	
June 1, 2002	
Generally	Cross references added or updated
LR 51.1(a)	"Unless otherwise ordered by the Court" added.
LR 51.1(e)(2)	CD Rom format added.
June 1, 2006	
LR 51.1	Cross reference to LR 100.10 deleted.
LR 51.1(a)	Deleted and subsequent sections re-lettered. New (a) revised to clarify counsels' requirements for submitting instructions.
LR 51.1(b)	Text of rule re-organized.
LR 51.1(c)	Numeric format modified; <i>i.e.</i> "ten(10)".
LR 51.1(d)(2)	"The trial Judge may . . ." added. This sentence was moved from LR 100.10(c).
LR 51.2	Rule deleted.
December 1, 2009	
LR 51-1(a)	Reworded.
LR 51-1(b)	Changed "In diversity cases" to "When Oregon law applies." Added the words, "and unless otherwise directed by the Court," to the second sentence.
LR 51-1(d)(2)	Changed the way in which the Judge's copy of the complete set of proposed jury instructions are to be submitted to the Court, from a 3.5 inch diskette or CD Rom, to an email attachment to the Judge's Courtroom Deputy Clerk.
LR 51-1(d)	Commentary added.

LR 54 - Bill of Costs and Attorney Fees

(See [Fed. R. Civ. P. 54](#))

LR 54-1 Costs - Other than Attorney Fees (See [Fed. R. Civ. P. 54\(d\)\(1\)](#))

(a) Filing Requirements (See 28 U.S.C. §§ 1920-24)

(1) Bill of Costs: Not later than fourteen (14) days after entry of judgment or receipt and docketing of the appellate court's mandate, the prevailing party may file and serve on all parties a Bill of Costs that provides detailed itemization of all claimed costs. The prevailing party must file an affidavit and appropriate documentation.

(2) Verification: The Bill of Costs must be verified as required by 28 U.S.C. § 1924.

(b) Objections

Not later than fourteen (14) days after service of the Bill of Costs, a party objecting to any item of cost must file and serve objections. Objections should be accompanied by an affidavit and supporting legal memorandum in support of the party's position. A response, if any, must be filed not later than fourteen (14) days after service of the objections.

(c) Legal Memoranda and Page Limitations

Except as authorized in advance by the Court, all legal memoranda in support of, or in opposition to, the Bill of Costs are limited to ten (10) pages.

LR 54-2 Order Taxing Costs

(a) Authority to Tax Costs

Unless otherwise directed by the Court, the Clerk may tax costs provided in [Fed. R. Civ. P. 54\(d\)\(1\)](#).

(b) Objections to the Clerk's Order Taxing Costs

Notwithstanding [Fed. R. Civ. P. 54\(d\)\(1\)](#), not later than fourteen (14) days after filing of the Clerk's order taxing costs, any party may file and serve written objections to the Clerk's order. Unless requested by the Court, there will be no further submissions, and review by the Court will be determined on the same papers and evidence submitted to the Clerk.

(c) No Oral Argument

Unless requested by the Court, costs will be taxed on the written submissions of the parties and without oral argument.

LR 54-3 Motion for Award of Attorney Fees (See [Fed. R. Civ. P. 54\(d\)\(2\)](#))

(a) Motion Requirements

In addition to the requirements of [Fed. R. Civ. P. 54\(d\)\(2\)\(B\)](#), any motion for attorney fees must set forth the relevant facts and arguments of the moving party, along with all supporting authorities and affidavits.

Practice Tip to LR 54-3

Reasonable Hourly Rate

As for the reasonable hourly rate, the Court uses the most recent Oregon State Bar Economic Survey as its initial benchmark. A current edition of the Economic Survey is available from the Oregon State Bar at its website: www.osbar.org. Attorneys may argue for higher rates based on inflation, specialty, or other factors. However, the Court requests that fee petitions address the Economic Survey and provide justification for requested hourly rates higher than reported by the Survey. Practitioners are also referred to the document "[Message From the Court Regarding Attorney Fee Petitions](#)" found on the Court's website.

(b) Objections or Other Responses

Objections and responsive materials are due not later than fourteen (14) days after service of the motion. Replies, if any, must be filed not later than fourteen (14) days after service of the objection.

(c) Hearing

Unless otherwise directed by the Court, any hearing on the motion for attorneys' fees will be heard by the Court without:

- (1) Segregating the issue of liability for attorneys' fees from the issue of the amount of fees;
- (2) Live testimony and/or cross-examination of witnesses;
- (3) Extending the time for appeal of the underlying judgment under [Fed. R. Civ. P. 58](#); or
- (4) The parties submitting proposed findings and conclusions, and/or the parties objecting to proposed findings and conclusions issued by the Court.

(d) Other Options (See [Fed. R. Civ. P. 54\(d\)](#))

The Court may issue other appropriate orders relating to the motion for attorneys' fees ,including a decision to refer the motion and objections to mediation or other dispute resolution process.

(e) Legal Memoranda and Page Limitations

Except as authorized in advance by the Court, all legal memoranda in support of, or in opposition to, motions for attorney fees are limited to ten (10) pages.

Amendment History to LR 54

June 1, 2000

LR 54.1(a)(1)(A)

The phrase "or receipt and docketing of the appellate Court's mandate," has been added to clarify the filing deadlines.

June 1, 2002	
LR 54.4(b)	The sentence beginning "Unless otherwise directed . . ." was added.
June 1, 2006	
Generally	"Cost Bills" changed to "Bill of Costs" throughout. Numeric format modified; <i>i.e.</i> "ten (10)".
LR 54.1(a)(1)	Subsection (B) deleted and merged into LR 54.1(a)(1). "The prevailing party . . ." sentence moved from (B) to LR 54.1(a)(1).
LR 54.1(b)	The word "supporting" added in second sentence. Permission to file a response added.
LR 54.2	Text of LR 54.3 moved to new (b) and subsequent sections re-lettered Subsection (c) "Order Taxing Costs" deleted.
LR 54.3	Text moved to LR 54.2(b) with subsequent sections re-numbered Practice tip added to LR 54.3(a) Subsection (b) text modified to permit a reply to the objection.
December 1, 2009	
LR 54-2(a)	Deleted phrase "one day after the time limits in LR 54-1 have expired."
LR 54-3	Citation to Oregon State Bar website added to practice tip.
Generally	Deadlines changed from "eleven (11)" days to "fourteen (14)" days. Updated cross-references.

LR 55 - Default

See [Fed. R. Civ. P. 55](#)

LR 55-1 Conference Required Prior to Filing for Default

If the party against whom an order or judgment of default pursuant to [Fed. R. Civ. P. 55](#) is sought has filed an appearance in the action, or has provided written notice of intent to file an appearance to the party seeking an order or judgment of default, then [LR 7-1](#) and [LR 83-8](#) apply, and the parties must make a good faith effort to confer before a motion or request for default is filed.

Practice Tip
The requirement to confer is in addition to the requirement in Fed. R. Civ. P. 55(b)(2) that, "If a party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing."

Amendment History to LR 55	
June 1, 2006	
LR 55.1	New Rule.

LR 56 - Summary Judgment(See [Fed. R. Civ. P. 56](#))**LR 56-1 Motion for Summary Judgment****(a) Supporting Factual Positions**

A party's factual positions must be supported by citations, by page and line as appropriate, to the particular parts of materials in the record. Unless otherwise ordered by the court, a party is not required to file a separate Concise Statement of Material Facts.

(b) Evidentiary Objections

Rather than filing a motion to strike, a party may assert evidentiary objections in its response or reply memorandum. If an evidentiary objection is raised in the non-moving party's response memorandum, the moving party may address the objection in its reply memorandum; the non-moving party may not file further briefing on its evidentiary objection. If an evidentiary objection is raised by the moving party in its reply memorandum, the non-moving party may file a surreply memorandum pursuant to this subparagraph within seven (7) days addressing only the evidentiary objection; the moving party may not file further briefing on its evidentiary objection. If a party asserts an evidentiary objection in a motion to strike evidence, no reply memorandum is permitted. Unless otherwise ordered by the court, any oral argument as to evidentiary objections will be scheduled for the same time as the summary judgment motion.

Commentary

1. Effective January 1, 2011, the court eliminated the requirement of filing a Concise Statement of Material Facts based on the Local Rules Advisory Committee's recommendation and public comment. This change is subject to a period of study and evaluation of various methods to achieve the goals of focusing the dispute and, wherever possible, achieving agreement as to which facts are undisputed and material to the disposition of the case as efficiently and economically as possible. You are encouraged to share your experience regarding this change with the Local Rules Advisory Committee by sending written comments to the Clerk's Office, Operational Services Department c/o U.S. District Court, 1000 S.W. Third Avenue, Suite 740, Portland, OR 97204, or by e-mail to info@ord.uscourts.gov

2. An evidentiary objection in a response or reply memorandum may be supported by argument and should be stated concisely. There is no need to make a separate motion to strike. *See Pfingston v. Ronan Engineering Co.*, 284 F.3d 999, 1003 (9th Cir 2002); Fed. R. Evid. 103(a)(1). If the case goes to trial, failure to challenge admissibility at the summary judgment stage does not forfeit the right to challenge admissibility at trial.

Amendment History to LR 56**June 1, 2002**

LR 56.1(a)(2)

Cross reference LR 56.1(c) formatting and citation instructions to be included in the Concise Statement.

LR 56.1(b)	" and Reply . . ." added to caption.
LR 56.1(b)(2)	Last sentence added for clarification.
LR 56.1(c)	Requirement to include page number and line number (where appropriate) information to the Concise Statement.
LR 56.1(f)	"or in the response . . ." added. June 1, 2006 Generally Appendix of Forms numbers updated.
June 1, 2006	
Generally	Appendix of Forms numbers updated.
LR 56.1(a) & LR 56.1(b)(1)	The words "separately filed . . ." added
LR 56.1(d)	The words "neither" and "nor any response or reply thereto" added The word "not" stricken. The word "stricken" substituted for "returned"
December 1, 2009	
LR 56	Practice Tip and Commentary added. References to Appendix of Forms deleted.
LR 56-1(b)(1)(B)	The phrase "moving party" substituted for "movant."
LR 56-1(b)(3)	Reworded for clarification.
LR 56-1(c)(1)	The word "must" substituted for "shall."
LR 56-1(c)(3)	The phrase "are not to" substituted for "shall not."
LR 56-1(g)	Added to establish briefing requirements for evidentiary objections.
January 1, 2011	
LR 56	Commentary added to call practitioners' attention to elimination of requirement that parties must submit a concise statement of material facts unless otherwise ordered by the Court, and that this change is subject to a period of study and evaluation.
LR 56-1(a)(1) & (2), (b), (c), (d), (e), & (f)	Deleted.
LR 56-1(b)	Former LR 56-1(g).

LR 65 - Injunctions and Restraining Orders

See [Fed. R. Civ. P. 65](#)

LR 65-1 Calendering

Motions for a preliminary injunction, not otherwise accompanied by the concurrent filing of an application for a Temporary Restraining Order, will be calendared as a non-discovery motion pursuant to [LR 26](#).

Amendment History to LR 65	
December 1, 2009	
LR 65	Change of rule title from "Injunctions" to "Injunctions and Restraining Orders."
LR 65-1	Inclusion of title "Calendaring."

LR 65.1 - Securities and Sureties

See [Fed. R. Civ. P. 65.1](#)

LR 65.1-1 Qualifications of Sureties; Deposit Requirements

(a) Bond Requirements

Except for qualified corporate sureties, or as otherwise provided by statute, every bond or undertaking must:

- (1) Be secured by the deposit of cash or government bonds in the amount of the bond; or
- (2) Have as sureties two residents of the district, each of whom owns real or personal property within the district in excess of that exempt from execution and sufficient to justify the full amount of the surety.

(b) Surety Requirements

Except for qualified corporate sureties, before a bond or undertaking may be accepted, each surety must present a verified schedule of assets and liabilities, including a statement of all other bonds and undertakings on which the surety may become liable. If the bond is accepted by the Court, the schedule must be filed with the clerk.

LR 65.1-2 Court Officers as Sureties

(a) Sureties

No clerk, marshal, or other employee of the Court - nor any member of the bar representing a party in the particular action or proceeding - will be accepted as surety on any bond or other undertaking in any action or proceeding.

(b) Cash Deposits

Cash deposits on bonds may be made by members of the bar on certification that the funds are the property of a specified person who has signed a surety on the bond.

(c) Exoneration

Upon exoneration of the bond - and upon motion and order of Court - monies held by the clerk will be

returned to that specified person.

LR 65.1-3 Examination of Sureties

Any party may apply for an order requiring an opposing party to show cause why it should not be required to furnish further or different security, or requiring personal sureties to justify the full amount of the surety.

LR 67 - Deposits in Court and Other Funds

See [**Fed. R. Civ. P. 67**](#)

LR 67-1 Deposits in Court - Procedural Requirements (*See* 28 U.S.C. § 2041)

(a) Form of Deposit

All monies paid into the Court must be by cash, or by cashier's check or certified check made payable to Clerk, U.S. District Court.

(b) Registry Fund

Upon receipt, the clerk will deposit the monies with the Treasurer of the United States into the Court's registry fund.

(c) Assessment of Registry Fee

Pursuant to the authority of the Judicial Conference of the United States, the clerk will assess a registry fee on all income earned on any Court approved account established pursuant to this rule.

LR 67-2 Order to Deposit Funds into Interest Bearing Accounts (*See* [Sample Order to Deposit Funds**](#))**

Prior to submission to the Court, the clerk's office financial administrator must approve all proposed orders requesting authority to direct the deposit of funds from the registry of the Court into interest-bearing accounts or instruments.

LR 67-3 Funds Withdrawal - Generally (*See* 28 U.S.C. § 2042)

(a) Motion to Withdraw Funds (*See* [Sample Order to Disburse Monies**](#))**

Upon motion or stipulation, the Court may order that funds be withdrawn from the registry of the Court for redeposit or disbursement elsewhere. A proposed form of order must be submitted with an application to withdraw funds, and must contain the following information:

- (1) The amount on deposit and the schedule of anticipated or future deposits;
- (2) The amount to be withdrawn and the amount of the registry fee to be assessed by the clerk;

- (3) The plan for redepositing or disbursing the funds;
- (4) The name of the attorney of record who will receive and maintain the funds as a trustee;
and
- (5) The proposed disposition of the funds upon final order of Court.

(b) Review of Proposed Orders by the Clerk

Prior to submission to the Court, the clerk's office financial administrator must approve all applications and proposed orders to withdraw monies.

LR 67-4 Disbursement of Funds

Except as directed by the Court, payments from registry funds held by the Court will be paid jointly to the entitled party and to their local attorney of record, and will be mailed to the attorney for distribution.

LR 67-5 Designated or Qualified Settlement Funds

(a) Designation of Fund

A registry account may be designated to serve as a qualified settlement fund only if:

- (1) There has been a settlement agreement in the case;
- (2) A Court order has established or approved a deposit into the registry as a settlement fund;
and
- (3) The liability resolved by the settlement agreement is of a kind described in 26 U.S.C. § 468B or 26 C.F.R. § 1-468B-1(c).

(b) Designation of Administrator

When a registry account is established under LR 67-1, the Court will designate a person outside the Court to serve as the administrator responsible for obtaining the employer identification number for the fund, filing all fiduciary tax returns, and paying any tax. Generally, the Court will designate either the person named as administrator in the settlement agreement or counsel for the party that deposited the funds into the registry account.

Amendment History to LR 67	
June 1, 2002	
Generally	Cross references added and updated.
LR 67.1(a)	"authorized plastic card payment . . ." added.
LR 67.5(b)	Corrected reference to LR 67.1
June 1, 2006	
Generally	Appendix of Forms numbers updated.

December 1, 2009	
Generally	References to Appendix of Forms deleted.
LR 67-1(a)	Removed reference to "authorized plastic card payment."
LR 67.3(a)	Deleted former LR 67.3(a) referring to 28 U.S.C. § 2041. Subsequent subsections relettered.
LR 67-3(a) and 67-3(a)(2)	Added the phrases "or disbursement" and "or disbursing."

LR 68 - Offers of Judgment

See [Fed. R. Civ. P. 68](#)

LR 68-1 Offers of Judgment - Generally

(a) Not Filed With the Court (See [LR 5-2](#))

Unaccepted offers of judgment are not to be filed with the Court. They will be maintained by counsel and made available to the parties or the Court upon request.

(b) Use of Non-filed Offers

This rule does not preclude the use of an offer for any purpose allowed by the federal rules.

LR 72 - Magistrate Judges - Pretrial

See [Fed. R. Civ. P. 72](#)

LR 72-1 Pretrial Authority (See 28 U.S.C. § 636(b))

The Court designates every Magistrate Judge to conduct all pretrial proceedings contemplated by 28 U.S.C. § 636(b) and [Fed. R. Civ. P. 72](#), without further designation or assignment from the Court.

Practice Tips
1. The District of Oregon includes Magistrate Judges in the random assignment of new civil case filings.
2. When selected as the assigned judge, the Magistrate Judge will be the presiding judicial officer, and will conduct all pretrial proceedings in accordance with Fed. R. Civ. P. 72 .
3. Magistrate Judges may modify scheduling orders issued by other judges.

LR 73 - Magistrate Judges: Trial by Consent

See [Fed. R. Civ. P. 73](#)

LR 73-1 Duties and Powers

Pursuant to 28 U.S.C. § 636(c)(1), and subject to the consent of the parties, every full-time, part-time or recalled Magistrate Judge assigned to the District of Oregon is designated and authorized to exercise civil jurisdiction over all assigned cases, to include the entry of final judgment and the conduct of any court or jury trial.

LR 73-2 Accelerated Trial Scheduling

Unlike District Judges who are assigned both civil and criminal cases, and by law must give scheduling priority to criminal cases, Magistrate Judges are only assigned civil cases. Consequently, when parties consent pursuant to Fed. R. Civ. P. 73(b), the assigned Magistrate Judge is able to set earlier and firmer trial dates than might otherwise be possible for a District Judge.

LR 73-3 Review By District Court Judge Of Rulings Issued Prior To Full Consent

If a Magistrate Judge issues a ruling or findings and recommendations before all the parties have consented to a Magistrate Judge, and objections are filed pursuant to 28 U.S.C. § 636, a District Judge will review the objections, even if all the parties consent to a Magistrate Judge subsequent to the issuance of the ruling or findings and recommendations.

Commentary	
The purpose LR 73-3 is to address the situation where all but one party has consented to a Magistrate Judge, and the Magistrate Judge then gives a favorable ruling to the non-consenting party. The concern is that the non-consenting party may try to foreclose a review of any 28 U.S.C. § 636 objections to this favorable ruling by filing a Magistrate Judge consent form shortly after receiving the favorable ruling. Under this rule, a District Judge will still review those objections.	

Amendment History to LR 73	
December 1, 2009	
LR 73-3	New rule and commentary added.

LR 77 - District Courts and Clerks

See [Fed. R. Civ. P. 77](#)

LR 77-1 District Court Clerk's Office (See [Fed. R. Civ. P. 77\(a\)](#))

Clerk's Office Locations	
Portland District Court Clerk's Office	

Street Address	Room 740 Mark O. Hatfield United States Courthouse 1000 S.W. Third Avenue Portland, Oregon 97204
Normal Business Hours	8:30 am to 4:30 pm
Records & Filings	(503) 326-8000
Eugene District Court Clerk's Office	
Street Address	Room 2100 Wayne L. Morse United States Courthouse 405 E. Eighth Avenue Eugene, Oregon 97401
Normal Business Hours	8:30 am to 4:30 pm
Records & Filings	(541) 431-4100
Medford District Court Clerk's Office	
Street Address	Room 213 James A. Redden United States Courthouse 310 W. Sixth Avenue Medford, Oregon 97501
Normal Business Hours	8:30 am to 4:30 pm
Records & Filings	(541) 608-8777
District of Oregon Website http://ord.uscourts.gov	

LR 77-2 After Hours Filings (See [Fed. R. Civ. P. 77\(a\)](#))

(a) Statute of Limitations and Other Provisional Process Issues

When it is necessary to file a hard copy of time-sensitive matters after normal business hours, the filing party must notify the resident Clerk's office during normal business hours of the anticipated requirements. Once notified, the Clerk's office will make arrangements to receive, file, and process these time sensitive materials.

(b) Late Filings of Materials Relating to Court Imposed Deadlines

Unless otherwise directed by the Court, the Clerk's office will not remain after normal business hours to receive a party's late filing of a hard copy of a motion, response, or other non-statute of limitations related documents.

(c) After Hours Depository

The Portland Clerk's office maintains an after hours filing depository that is available to the public during the hours that the buildings are open. Negotiable instruments and cash must not be left in this depository.

LR 77-3 Custody and Withdrawal of Court Records

(a) Custody

All files and records of the Court must remain in the custody of the Clerk.

(b) Withdrawal

Nothing belonging in the files of the Court may be withdrawn from the custody of the Clerk without a Court order and a signed receipt that specifies the matter withdrawn.

LR 77-4 Clerk's Authority to Grant Orders (See [Fed. R. Civ. P. 77\(c\)](#))

In addition to the authority granted by [Fed. R. Civ. P. 77\(c\)](#), the Clerk is authorized to sign and enter the following orders without further direction of the Court.

- (a) Order on consent noting satisfaction of a judgment providing for the payment of money.
- (b) Orders of dismissal pursuant to [Fed. R. Civ. P. 41\(a\)\(1\)](#), [LR 41-1](#) or [LR 55](#)

LR 77-5 Substituting a Copy of an Exhibit or Transcript

Subject to the approval of the parties, the Court may allow the substitution of a copy of an original exhibit or transcript.

LR 77-6 Custody of Exhibits

(a) During Court Proceedings

Unless otherwise directed by the Court, exhibits offered or received in evidence will be maintained by the Clerk during the hours in which the Court is in session.

(b) At the Close of Daily Proceedings

(1) Sensitive Exhibits: At the conclusion of the daily proceedings, the Court will generally order that sensitive exhibits be returned to the offering counsel, who will be responsible for maintaining custody and the integrity of the exhibits until the next session of Court, when they must be returned to the Clerk.

(2) Non-Sensitive Exhibits: Generally, the Clerk will maintain custody of non-sensitive exhibits until the conclusion of the proceedings.

LR 77-7 Return and Disposition of Exhibits

(a) Return of Exhibits

(1) Clerk's Responsibility: Unless otherwise ordered by the Court, at the conclusion of the hearing or trial, offering counsel will be notified to withdraw any exhibit not attached to a filed document.

(2) Counsel's Responsibility: Counsel are responsible for:

(A) Safely maintaining all exhibits and other returned materials during the time permitted for filing an appeal and thereafter during the pendency of any appeal, should one be taken; and

(B) Granting all reasonable requests of other parties, or the court reporter, to examine any or all returned exhibits or other materials for use in preparation of the record on appeal or for other purposes; and if requested by the Court or the Clerk, counsel must promptly return such items to the Clerk's Office.

(b) Disposition of Unclaimed Exhibits:

Unless otherwise ordered by the Court, exhibits not withdrawn within sixty (60) days after notice, may be destroyed or otherwise disposed of by the Clerk.

Amendment History to LR 77	
December 1, 2009	
LR 77-1	Updated telephone number.
LR 77.2	Former LR 77.2 deleted. Subsequent rules renumbered.
LR 77-2(a) & (b)	The phrase "hard copy" added.
LR 77-3(b)	The word "may" substituted for "will."
LR 77-7(b)	The word "must" substituted for "will."

LR 79 - Records Kept by the Clerk

(See [Fed. R. Civ. P. 79](#))

LR 79-1 Proposed Orders and Judgments

When requested by the Court, a proposed form of order or judgment submitted by counsel must include the words "SUBMITTED BY" and the signature line requirements of [LR 11-1](#), *e.g.*,

Example	SUBMITTED BY:	<u>John Q. Attorney</u> John Q. Attorney OSB # 999-99999 (541) 999-9999 Attorney for Plaintiff Smith Corporation, Inc.
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Amendment History to LR 79	
December 1, 2009	
LR 79.1	Former LR 79.1 deleted. Subsequent rule renumbered.

LR 81 - Habeas Corpus Petitions

(See 28 U.S.C. §§ 2241, 2254, and 2255)

LR 81-1 Petitions Generally

(a) Petitions by state prisoners for writs of habeas corpus pursuant to 28 U.S.C. § 2254, and motions pursuant to 28 U.S.C. §§ 2241 or 2255 by federal prisoners who are in custody, must be legibly written or typewritten on forms supplied by the Court and must be signed under penalty of perjury by the petitioner or by a person authorized to sign for the petitioner. The original and two (2) copies of the petition or motion must be sent to the clerk.

(b) If the petition or motion is taken *in forma pauperis*, it must include an affidavit setting forth information which establishes that the applicant will be unable to pay the fees and costs of the proceedings. **State prisoners must include a certificate from the warden or other appropriate officer showing the amount of money or securities that the petitioner has in any account in the institution.**

LR 81-2 Procedure in Habeas Corpus (See 28 U.S.C. §§ 2254 and 2255)

All procedures in habeas corpus proceedings and motions under 28 U.S.C. §§ 2254 and 2255 must follow the rules governing such matters in the United States Courts as adopted and amended by the Supreme Court of the United States.

LR 81-3 Requirements for First Petition in a Capital Case

(a) Applicability

This rule governs the procedures for a first petition for a writ of habeas corpus in which a petitioner seeks relief from a state court's judgment imposing a sentence of death. A subsequent filing will be treated as a first petition under this rule if the original filing was voluntarily dismissed or dismissed for failure to exhaust state remedies. This rule is intended to supplement the Rules Governing § 2254 Cases and is not intended to alter or amend those rules. The application of this rule to a particular petition may be modified by the judge to whom the petition is assigned.

(b) Information on Status of Case

The Clerk of the Court will periodically request copies of the reports prepared by the State Court Administrator regarding the status of cases in which an Oregon court has imposed the penalty of death.

(c) Notice of Intent to File

The Attorney General must provide the Federal Public Defender with notice of the following: petitioner's direct appeal conclusion, the filing of the state post-conviction petition, the denial of the state post-conviction appeal, the denial of petitioner's Petition for Review to the Oregon Supreme Court, and the denial of certiorari. Once all of petitioner's state court remedies have concluded, the Federal Public Defender, after consultation with the petitioner, must file promptly with this Court,

and send to the Oregon Attorney General's Office, a written notice of intention to file a petition. The notice must state the name of the petitioner, the county in which petitioner was convicted, the place of petitioner's incarceration, and the status of petitioner's state court proceedings. The notice is only for the information of the Court, and failure to file the notice will not preclude the filing of the petition.

(d) Counsel

(1) Representation by Counsel: Each petitioner will be represented by counsel, unless petitioner has clearly elected to proceed pro se and the Court is satisfied, after a hearing, that petitioner's election is intelligent and voluntary.

(2) Appointment of Counsel: Unless petitioner is proceeding pro se or is represented by retained counsel, the Federal Public Defender must be appointed in every such case upon the filing of the written notice of intention to file a habeas corpus petition. A panel of attorneys qualified for appointment in death penalty cases will be recruited and maintained by the Federal Public Defender. The Federal Public Defender will accept and review referrals to this panel from interested associations and bar groups.

(3) Two Counsel to be Appointed: Due to the complex, demanding, and protracted nature of death penalty proceedings, at least two counsel must be appointed in every case.

(e) Filing

(1) Assignment of Case Number: Upon the submission of the notice of intention to file a capital habeas petition, the next sequentially numbered civil case file will be opened and that number assigned to the document. Future submissions relative to the same proceeding will also bear the same civil case number.

(2) Petition Requirements: Petitions must be completed in conformance with the Model Form accompanying the Rules Governing § 2254 Cases. All petitions (a) must state whether petitioner has previously sought relief arising out of the same matter from this Court or any other federal court, together with the ruling and reasons of such court, and (b) must set forth any scheduled execution date.

(3) Copies: An original and two (2) copies of the petition must be filed by counsel for the petitioner. A pro se petitioner need only file the original. If no fee is tendered or waiver sought with the filing of a petition, the clerk will grant *in forma pauperis* status conditionally, subject to further review by a judge, and will not delay the filing, assignment, or statistical opening of any civil action pending the resolution of *in forma pauperis* status.

(f) Assignment to District Judges

Notwithstanding the general assignment plan of this Court, petitions will be assigned to the District Judges of the Court as follows:

(1) Category: The clerk will establish a separate category for these petitions, to be designated with the title Capital Case.

(2) Participation: All active District Judges of this Court will participate in the assignments, without regard to intra-district venue.

(3) Random Assignment: Until each active District Judge has one capital case, capital habeas cases will be assigned blindly and randomly by the clerk to each of the active District Judges

of the Court. At such time as each active District Judge has one capital case, the blind assignment process will start again until each active District Judge, and other judges the calendar management committee finds available, has taken a case. Assignment and new filings will continue under this procedure.

(4) Certificate of Unavailability: If the assigned District Judge has filed a Certificate of Unavailability with the clerk, which is in effect on the date of the assignment, a new random assignment will be made to another judge immediately.

(5) Previously Assigned Petition: If petitioner has previously sought relief in this Court with respect to the same conviction, the petition will be assigned to the District Judge who was assigned to the prior proceedings, if he or she is still sitting, unless he or she has taken senior status and has elected not to hear capital habeas corpus petitions.

(6) Assignment to a Magistrate Judges: Pursuant to 28 U.S.C. § 636(b)(1)(B), and not inconsistent with law, Magistrate Judges may be designated by the Court to perform all duties under this rule.

(g) Order of General Procedure

As soon as practicable following the judicial assignment of a Capital Case to a judge, the judge will issue an Order of General Procedure setting an initial case management conference.

(h) Stays of Execution

(1) Stay Pending Final Disposition in District Court: Upon the filing of a petition, unless the petition is frivolous, the judge will order a stay of execution pending final disposition of the petition in this Court.

(2) Temporary Stay for Preparation of the Petition: Should petitioner require a temporary stay of execution pending the preparation of a petition, counsel must so move, and the Court will issue a ninety (90) day stay of execution.

(3) Stay Pending Appeal from District Court: If the petition is denied and a certificate of appealability is issued, the Court will grant a stay of execution, which will continue in effect until the Court of Appeals issues its mandate.

(4) Notice of Stay: Upon the granting of any stay of execution, the clerk will immediately notify the Oregon Attorney General's Office which must immediately notify the Superintendent of the Oregon State Penitentiary. The Oregon Attorney General's Office must ensure that the clerk has a 24-hour telephone number to that office.

(5) Application of 28 U.S.C. § 2262: Subsection (1) through (4) of this section (h) apply only if the stay provisions of 28 U.S.C. § 2262 do not apply.

(i) Procedures for Considering the Petition

Unless the judge dismisses the petition under Rule 4 of the Rules Governing § 2254 Cases, the following schedule and procedure will apply, subject to modification by the judge for good cause shown. Requests for enlargement of any time period in the Rule must comply with Local Rules.

(1) Schedule: Respondent must, as soon as practicable but in any event on or before sixty (60) days from the date of service of the application for appointment of counsel or the

petition, whichever occurs first, file with the Court duplicate copies of any and all documents from petitioner's pretrial, trial, sentencing, direct appellate, post-conviction, and state and federal habeas corpus proceedings. If any documents are not available, respondent must state when, if at all, such missing material can be filed. These documents also must be served on petitioner's lead counsel, unless respondent confirms that petitioner's counsel already has a copy of the documents. Should respondent wish to produce fewer documents than required by this rule, respondent must first demonstrate good cause as to why he or she will not do so.

(2) Index: An index of all materials must be prepared reflecting the filing date, title of the document and a reference to the document number for each document submitted. These requirements also apply to any supplements to the state court record.

(3) Assembling the Record:

(A) Both copies of each document submitted under LR 81-3(i) must be individually tabbed and numbered consecutively.

(B) Each document submitted must bear a copy of the state court file stamp. The record must be accompanied by a certification from the clerk of the state court attesting to the authenticity of the documents.

(C) The state court record must be submitted in volumes consisting of no more than 250 pages each. Each paper volume must be two-hole punched at the top center and fastened with a two prong fastener. Each paper volume must be identified with the case title and case number as required in [LR 10-2](#) , *e.g.*:

Example	Clerk's Record - Multnomah County Circuit Court C86-05-323246 Vol. #1 of 3 Volumes
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(4) Failure to Comply: If counsel for petitioner claims that respondent has not complied with the requirements of LR 81-3(i)(1) and (2), counsel for petitioner must immediately notify the Court in writing, with a copy served on respondent.

(5) Status Conference: As soon as practicable after the filing of the petition, the Court will set a status conference to determine a schedule for further proceedings.

(6) Procedural Defenses:

(A) Respondent is responsible for raising procedural defenses in the appropriate responsive pleading(s). A failure to plead any such defense, except exhaustion, before the date of the evidentiary hearing, or submission of the case for decision in cases in which no evidentiary hearing is held, will constitute a waiver of the defense.

(B) The respondent may choose to waive a procedural defense in order to address the merits of the claim(s) for which the defense is waived.

(j) Evidentiary Hearing

If an evidentiary hearing is held, the Court will order the preparation of a transcript of the hearing, which is to be provided immediately to petitioner and respondent for use in briefing and argument. Upon the preparation of the transcript, the Court may establish a reasonable schedule for further briefing and

argument of the issues considered at the hearing.

(k) Rulings

(1) The Court's rulings may be in the form of a written opinion, which will be filed, or in the form of an oral opinion on the record in open court, which will be transcribed and filed promptly.

(2) The clerk will notify the Superintendent of the Oregon State Penitentiary and the Oregon Attorney General's Office immediately whenever relief is granted on a petition.

(3) The clerk will notify the clerk of the United States Court of Appeals for the Ninth Circuit immediately, by telephone, of (1) the issuance of a final order denying or dismissing a petition without a certificate of appealability, or (2) the denial of a stay of execution.

(4) When a notice of appeal is filed, the clerk will transmit the records to the Court of Appeals immediately as required by circuit rules.

(l) Return of State Court Record

Upon conclusion of proceedings at either the district or appellate court level, the clerk is directed to return one copy of the state court record to the office of the Oregon Attorney General.

Amendment History to LR 81	
June 1, 2002	
LR 81.3(g)	Added reference to Appendix of Forms
June 1, 2006	
Generally	Appendix of Forms number updated
December 1, 2009	
Generally	The word "shall" has been changed to "will", "may" or "must."
LR 81-1(a)	The phrase "and shall be signed and verified by the prisoner" has been deleted. 28 U.S.C. § 2242 and Rule 2(c)(5) of the Rules Governing § 2254 Cases allow lawyers to draft and sign petitions for clients without signing and verification by the parties.
LR 81-1(b)	Added the option for a motion and the second sentence.
LR 81-1(e)(3)	The first sentence was amended to conform to LR 81-1 as to the number of copies to be filed by counsel.
LR 81-3(a)	Typographical error "hr" changed to "he."
LR 81-3(c)	Amended to require the Oregon Attorney General to provide the Federal Public Defender with status reports. This change is intended to allow the FPD's office to carry out its duty to file a written notice of intention to file a capital habeas petition at the appropriate time.
LR 81.3(d)(3)-(5)	Former subsections deleted. Subsequent subsection renumbered.
LR 81-3(h)	Modified for clarity.

LR 81-3(i)(1)	Amended to require the State to provide the Court with all documents (regardless of perceived relevancy) from a petitioner's previous capital trials and appeals and to serve these documents on petitioner's lead counsel.
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LR 83 - Rules and Directives - By the District Court

(See [Fed. R. Civ. P. 83](#))

LR 83-1 Attorney Admissions - Generally

(a) Limitations on Practice (See [LR 83-2](#) to [LR 83-5](#))

Only attorneys generally or specially admitted pursuant to this rule may practice in the district and bankruptcy courts of the District of Oregon.

(b) Application Forms (See Membership Application forms)

An applicant must submit an application for general or special admission in the format provided by the Clerk's office.

(c) Payment of Fees

Attorney admission fees must be paid at the time the application for general or special admission is filed with the Clerk.

(d) Sanctions for Unauthorized Practice

Any person who exercises any of the privileges of a member of the bar of this Court without being entitled to do so, will be guilty of contempt.

(e) CM/ECF Registration (See [LR 100-2](#))

(1) Attorneys admitted to practice pursuant to LR 83 are required to complete and deliver to the Clerk's office, the CM/ECF Attorney Registration form found at <http://www.ord.uscourts.gov/attorney-admissions/attorney-admissions>.

(2) Attorneys must apply to the assigned judge on a case-by-case basis for exemption from CM/ECF Registration.

LR 83-2 Admission to General Practice

Admission to general practice, and continuing membership in the bar of this Court, is limited to attorneys of good moral character who are active members in good standing with the Oregon State Bar.

LR 83-3 Special Admissions - *Pro Hac Vice*

(a) Application for Special Admission *Pro Hac Vice* (See Application for Special Admission - *Pro Hac Vice*)

Any attorney who is an active member in good standing of the bar of any United States court, or the highest court of any state, territory, or insular possession of the United States, may apply to be specially admitted *pro hac vice* in a particular case, provided he or she:

- (1) Associates with an attorney admitted to general practice before the bar of this Court, who will meaningfully participate in the preparation and trial of the case. (See [LR 83-2](#) and [LR 83-4](#)).
- (2) Pays the admissions fee and files a *pro hac vice* admission application in every case in which the attorney seeks to be specially admitted.
- (3) Certifies professional liability insurance, or an equivalent financial responsibility, will apply and remain in force for the duration of the case, including any appeal proceedings.

(b) Motion to Waive Special Admissions Fee

For good cause shown, any attorney may move to have the Court waive the special admission fee in a particular case.

(c) Order Granting Special Admission

The assigned judge will review and rule upon the application for special admission.

(d) Scheduling Court Proceedings

Unless otherwise directed by the assigned judge, the Clerk's office will coordinate and schedule all calendaring actions, telephone conferences, and other court proceedings through local counsel.

(e) Notice to *Pro Hac Vice* Counsel

- (1) ***Pro Hac Vice* Counsel Registered with the CM/ECF System:** *Pro hac vice* counsel registered with the CM/ECF system pursuant to LR 83-1(e) will receive electronic notice pursuant to [LR 100-8](#).
- (2) ***Pro Hac Vice* Counsel Exempt from CM/ECF Registration:** Unless otherwise directed by the assigned judge, the Clerk's office will mail copies of notices, schedules, orders, and other court communications only to the associated local counsel. Associated local counsel will be responsible for distributing and coordinating the information with the *pro hac vice* attorney.

LR 83-4 Special Admissions - Government Attorneys

Attorneys who represent the United States, Indian treaty tribes, a state, or any agency of these sovereigns, may appear in a case without having to comply with LR 83-1(c) and LR 83-2.

LR 83-5 Special Admissions - Certified Law Students

(a) Eligibility

An "eligible" law student is a law student meeting all the requirements of Rule 13.20 of Rules for Admission of Attorneys of the Supreme Court of the State of Oregon ("Oregon Rules").

(b) Certification

A law school dean must make the certification described in Oregon Rules 13.20 and 13.25 by filing with the Clerk a copy of the certification filed with the State Court Administrator. The dean may withdraw the certification and this Court may terminate the certification as provided in Oregon Rule 13.25. The certification must otherwise remain in effect for the period described in Oregon Rule 13.25(1).

(c) Supervising Counsel

(1) In all cases, there must be a supervising attorney who is a member of the bar of this Court and attorney of record on behalf of the client on whose behalf the law student is appearing. No law student may appear until the client, the supervising attorney and the judge of this Court before whom the appearance is to be made have consented to such an appearance.

(2) The supervising attorney is responsible for explaining to the client the nature and extent of the law student's participation, and for obtaining the client's consent to such participation. The client's consent must be in writing, filed with the Clerk, and become part of the record of the case. Consent by the United States Attorney for the District of Oregon will constitute consent by the United States.

(3) The supervising attorney must be present at all times when the law student appears before the Court. The member of the bar of this Court under whose supervision an eligible law student does any of the things permitted by these rules must assume responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

LR 83-6 Suspension or Disbarment

(a) Duty of Counsel to Notify Court

Every attorney admitted to general or special practice before this Court has an affirmative duty to notify the Chief Judge and the assigned judge in writing within fourteen (14) days after they have:

(1) Been suspended or disbarred from practice by any court.

(2) Been convicted of a felony in either a state or federal court.

(3) Resigned from the bar of any court while an investigation was pending into allegations of misconduct which would warrant suspension or disbarment.

(4) Been notified of a change in their admissions status in any other jurisdiction which would affect their eligibility for general or special admission to the bar of this Court.

(b) Order to Show Cause

(1) Upon receipt of a notice pursuant to LR 83-6(a), or upon notice or information that an LR 83-6 violation may have occurred, the Court may direct the Clerk to issue an order to show

cause why disciplinary action including suspension, disbarment, or other appropriate disciplinary action) should not be taken against the attorney.

(2) The Clerk will mail the order to the last known address of the attorney and the Oregon State Bar's Discipline Committee.

(3) The attorney must file a response to the order within twenty-one (21) days from the date of the order, showing good cause why he or she should not be subject to disciplinary action. If requested, the responding attorney may ask that a hearing be held on the matter. If a hearing is requested, the Chief Judge may appoint a judge or special master to preside over the hearing.

(4) At the conclusion of any hearing, or within twenty-one (21) days if no response is filed by the attorney, the presiding judge or master will enter a final order. A copy of the order will be mailed to the attorney and the Oregon State Bar's Discipline Committee.

(c) Reinstatement Following State Bar Disciplinary Action

Attorneys who have applied for reinstatement to The Oregon State Bar (pursuant to Title 8 of The Oregon State Bar's Rules of Procedure) must also separately apply for reinstatement to the bar of this Court after being reinstated by the Oregon Supreme Court. Applications for reinstatement before this Court must be filed with the Clerk using the same forms required by The Oregon State Bar and the applicant must pay the appropriate fee.

LR 83-7 Standards of Professional Conduct

Every attorney admitted to general or special practice and every law student appearing pursuant LR 83-5 must:

- (a) Be familiar and comply with the standards of professional conduct required of members of the Oregon State Bar and this Court's Statement of Professionalism. (*See* Statement of Professionalism form.)
- (b) Maintain the respect due to courts of justice and judges.
- (c) Perform with honesty, care, and decorum required for the fair and efficient administration of justice.
- (d) Discharge the obligations owed to his or her clients and to the Court, and assist those in need of counsel when requested by the Court.

LR 83-8 Cooperation Among Counsel

- (a) Counsel must cooperate with each other, consistent with the interests of their clients, in all phases of the litigation process and be courteous in their dealings with each other, including matters relating to scheduling and timing of various discovery procedures.
- (b) The Court may impose sanctions if it finds that counsel has been unreasonable in not accommodating the legitimate requests of opposing counsel. In a case where an award of attorney fees is applicable, the Court may take a lack of cooperation into consideration in setting the fee.

LR 83-9 Appearances by an Attorney

- (a) **Appearance by Filing**

The filing of any document constitutes an appearance by the attorney who signs the document.

Practice Tip

In order to be added to the case docket as attorney of record for notification purposes, each registered attorney must file a Notice of Appearance using his or her individual login and password.

(b) Appearance by Represented Parties Through Counsel

A party represented by an attorney cannot appear or act except through the attorney. Unless otherwise specifically provided by law or Court order, a corporation may appear or act only through an attorney.

LR 83-10 Notification of Change of Address or Affiliation

(a) Current Address Information

Every attorney admitted to general or special practice, and every unrepresented party, has a continuing responsibility to notify the Clerk's office whenever their mailing address, telephone number, and/or business e-mail address changes. Commensurate with filing the notice to the Court, the attorney must update his/her CM/ECF User Account.

(b) Notice of Change of Mailing and/or Business E-Mail Address

Notice of a change of mailing and/or business e-mail address must be filed in pleading form and served on all parties to any pending action, or case on appeal.

LR 83-11 Withdrawal From a Case

(a) Withdrawal - Court Approval Required

An attorney may withdraw as counsel of record only with leave of Court, except as provided in subsections (b) and (c). A motion must be filed and served on the client and opposing counsel, and if appearing *pro hac vice*, on local counsel. The motion will be heard on an expedited basis.

(b) Withdrawal - When Co-Counsel Exists

A notice of withdrawal of attorney may be filed by a withdrawing attorney or by a member of the withdrawing attorney's law firm or former law firm, if a member of the withdrawing attorney's law firm or former law firm remains as counsel of record for the party.

(c) Withdrawal by Counsel Appearing *Pro Hac Vice*:

Counsel appearing *pro hac vice* may withdraw as counsel of record only with leave of Court as provided in subsection (a). In addition, counsel appearing *pro hac vice* must notify local counsel of the intent to withdraw and must ascertain whether local counsel objects to such withdrawal. The motion required by subsection (a) must be served on local counsel and must inform the Court of local's counsel's position regarding the motion.

(d) Death, Removal, Suspension, or Inaction of Attorney:

When an attorney dies, is removed or suspended, or ceases to act, the party, unless already represented by another attorney, must designate a new attorney or appear in person before further proceedings occur.

LR 83-12 Undeliverable Mail (See [LR 100-8](#))

When the Court sends mail to the last known address of an attorney of record or unrepresented party, and the postal service returns the mail as undeliverable because the attorney or party has failed to notify the Clerk of a changed address, and the failure to notify the Clerk of the change of an address continues for sixty (60) days, then the Court may strike appropriate pleadings, enter a default, or dismiss the action.

LR 83-13 Reminders to the Court

(a) Matters Under Advisement

If any matter, including a motion or a decision in a bench trial, is under advisement more than sixty (60) days, each affected party must send the assigned judge a letter describing the matter and stating when it was taken under advisement. Every forty-five (45) days thereafter, while the matter remains under advisement, each affected party must send a similar letter to the Chief Judge.

(b) Failure to Schedule a Preliminary Pretrial Conference

Unless a trial date has already been set, if the assigned judge fails to schedule a preliminary pretrial conference within fourteen (14) days after the lodging of the pretrial order or order waiving the pretrial order, each affected party must send the assigned judge a letter advising that no conference has been set.

LR 83-14 Wireless Communication Devices

(a) Definition

For purposes of this rule, wireless communication devices include (but are not limited to) cellular telephones, pagers, laptop computers, iPods or MP3 players, and personal digital assistants (PDA's).

(b) Limitations on Use

Except as authorized by a judge, wireless communication devices will be turned off while in a courtroom. They may be turned on when not in a courtroom but must not record, receive, or transmit video images, pictures, signals, or movies at any time when inside the courthouse.

(c) Exceptions

(1) Cameras and other recording devices are allowed during naturalization ceremonies, investitures, and other Court approved ceremonial and educational programs.

(2) Trial jurors must turn their wireless communication devices over to the courtroom deputy Clerk during deliberation.

(d) Laptop Computers

Laptop computers may be brought into the courthouse and, if authorized by the Court, may be used during

LR 83-15 Certifying a Question to the Oregon Supreme Court (*See* ORS § 28-200-255)

(a) Criteria

For purposes of this rule, the Court will be guided by the certification criteria set forth in *Western Helicopter Services, Inc., v. Rogerson Aircraft Corporation*, 311 Or. 361, 811 P.2d 627 (1991).

(b) Procedural Requirements

(1) Party Responsibilities: Any party seeking to have this Court certify a question of law to the Oregon Supreme Court must file and serve a motion with a supporting memorandum that complies with the requirements of LR 83-15(a).

(2) Court Responsibilities

(A) Assigned Judge: If the assigned trial judge (district, bankruptcy, or magistrate judge) believes that certification of a question to the Oregon Supreme Court is appropriate, he or she will refer that recommendation to the Chief Judge.

(B) Chief Judge Responsibility: Upon receipt of the recommendation, the Chief Judge will confer with other members of the Court. If the Court concurs, the Chief Judge will certify the question to the Oregon Supreme Court.

Amendment History to LR 83	
September 23, 1999	
LR 83.2	Amended to eliminate the trial certification requirements of the previous rule.
June 1, 2000	
LR 83.16	This rule establishes corporate disclosure statements similar to those required by Fed. R. App. P. 26.1.
June 1, 2002	
LR 83.1(b)	Reference to the Court's website deleted.
LR 83.1(e)	New Rule: CM/ECF registration requirements added.
LR 83.3(d)	Title amended to "Scheduling Court Proceedings". Subsection (2) deleted.
LR 83.3(e)	New Rule.
LR 83.4	Reference to LR 83.1(c) added.
LR 83.6	"... by any court." added.
LR 83.10(a) and (b)	Amended to include business e-mail address.
LR 83.12	Cross-reference to LR 100.13 added.

June 1, 2006

Generally	Cross references updated. Appendix of Forms numbers updated. Updated website addresses.
LR 83.1(e)(2)	New Rule.
LR 83.3(a)	The words "the attorney" substituted for "they" at (2). The word "including" substituted for the words "to include" at (3)
LR 83.3(e)	The first sentence divided into two sentences. The words "Associated local counsel" added to and the words "in turn" stricken from the new second sentence.
LR 83.5(c)(1)	The word "is" substituted for the word "must"
LR 83.6	The word "the" added at (a) The word "including" substituted for "to include" at (b)(1)
LR 83.6(c)	New Rule.
LR 83.7(a)	The words "...and this Court" added.
LR 83.8	The word "the" stricken a (a).
LR 83.9	Practice Tip added at (a). The sentence beginning "Unless otherwise specifically..." added at (b).
LR 83.10(a)	Added requirement to maintain CM/ECF user account.
LR 83.11	Made a distinction between withdrawal of a single attorney and those parties represented by multiple attorneys at (a) and new (b). Subsequent sections re-lettered. The word "any" stricken in first sentence of new (c).
LR 83.13(a)	The words "Chief Judge" substituted for "chair of the Calendar Management Committee..."
LR 83.14 (a)(b)(c)	Title changed and sections modified pursuant to Standing Order 06-mc-9112
LR 83.15(a)	The word "Criterion" changed to "Criteria" throughout.
LR 83.15(b)(1)(A)	Text of this section merged into LR 83.15(b)(1).
LR 83.15(b)(1)(B)	Rule deleted.
LR 83.16	Rule deleted as now addressed in Fed. R. Civ. P. 7.1.

December 1, 2009

Generally	References to Appendix of Forms deleted.
LR 83-3(a)	Changed "they" to "he" or she."
LR 83-6(a)	Changed ten (10) days to fourteen (14) days.
LR 83-6(b)(3) and (4)	Changed twenty (20) days to twenty-one (21) days.
LR 83-11(a)	Added "except as provided in subsection (b)." and deleted ", if so doing so leaves the party unrepresented or without local counsel."
	Changed "the withdrawing" to "a withdrawing."

LR 83-11(b)	Added phrase "by a member of the withdrawing attorney's law firm or former law firm, if a member of the withdrawing attorney's law firm or former law firm remains as . . ." Changed "co-counsel" to "counsel of record."
LR 83-11(c)	Added subsection (c) governing withdrawal by counsel appearing <i>pro hac vice</i> .
LR 83-13(b)	Changed "within ten (10) days of" to "within fourteen (14) days after."
LR 83-14(b)	Changed the sentence, "They may be turned on when not in a courtroom, however, the device shall . . . " to "They may be turned on when not in the courtroom but must . . . "
LR 83-14(c)	Changed typographical error from ceremonices" to "ceremonies."

LR 84.1 - Forms

LR 84.1 - Forms

Absent specific directives or a requirement to use a particular form (such as the JS-44 Civil Cover Sheet at case initiation), a party may use any form provided by the Federal Rules of Civil Procedure, provided by these Local Rules or recommended by the Administrative Office Forms Working Group of judges and clerks at <http://www.uscourts.gov/rules/cvforms2.htm>, as applicable, even if these forms do not comply with [LR 10](#).

Practice Tips
1. When citing an attorney's name in a signature block or address block, regardless of the form used, the Court prefers that all parties comply with LR 10-2(a) and include the bar number for the attorney.
2. Some national judiciary forms may display brackets or parentheses in the case caption to set off party names from the document title. LR 10-2(e) was enacted after notice that the inclusion of parentheses or brackets displayed in a vertical line in a text file may not print or translate well when a PDF version of that document is created for electronic filing in CM/ECF. The Court prefers that these be removed.
3. Parties are advised to read the Notice Regarding Federal and Local Civil/Criminal Forms that is found on the Court's website at: ord.uscourts.gov . See also Fed. R. Civ. P. 5(d)(4) .

Amendment History to LR 84	
December 1, 2009	
LR 84.1	This is a new rule.

LR 100 - Rule Governing CM/ECF: Case Management and Electronic Case Filing - Practices

LR 100-1 CM/ECF - Case Management and Electronic Case File System

The District of Oregon uses the federal judiciary's CM/ECF system to support electronic filing and service in civil and criminal cases, and electronic access to civil and criminal Court records.

LR 100-2 Mandatory Electronic Filing

Unless otherwise limited by these rules, the Court and Registered Users must file all pleadings, documents (including attachments and exhibits), and other papers in civil and criminal cases electronically through the CM/ECF system.

LR 100-3 CM/ECF User's Manual

Registered Users are to follow the electronic filing requirements as described in detail in the CM/ECF User's Manual at ord.uscourts.gov. Periodically, this manual may be updated to conform with new releases or features of the CM/ECF system. Notice of any updates will be posted on the Court's website.

Practice Tips	
Documentation and Training	Documentation and training materials, including the Court's CM/ECF User's Manual are available on the Court's website at ord.uscourts.gov .
General Questions	General questions regarding the CM/ECF system may be sent via e-mail message to <"a href="mailto:info@ord.uscourts.gov">info@ord.uscourts.gov
Clerk's Office Assistance	For specific filing questions, users should contact the docket Clerk associated with the assigned judge in their case during normal business hours. Contact information is available on the first page of the Discovery and Pretrial Scheduling Order (civil cases), on the Notice of Case Assignment (criminal cases), or by calling the Divisional Office Intake Counter.
Public Access to Court Electronic Records (PACER)	Individuals must establish a PACER User's Account to retrieve public information from the docket sheet, or to download public documents for a fee. Visit the PACER Service Center website at www.pacer.psc.uscourts.gov for information on how to set up an individual PACER User's Account.

LR 100-4 CM/ECF Users (*See also* [LR 83](#))

(a) Registered Attorneys

Lawyers admitted to the bar of this Court pursuant to [LR 83-1](#), [LR 83-3](#) and [LR 83-4](#) must register with the Clerk's Office to establish a User Account in the CM/ECF system. Upon registration, lawyers are deemed to be Registered Users for purposes of these Local Rules. Unless a Registered User has notified the Court that they wish to opt out of electronic service, the Registered User has consented to receive service electronically and waived the right to receive such service by first class mail or personal service pursuant to [Fed. R. Civ. P. 5\(b\)\(2\)\(E\)](#) and [Fed. R. Crim. P. 49](#). This consent pertinent to [Fed. R. Civ. P. 5](#) does not affect service of a summons and complaint pursuant to [Fed. R. Civ. P. 4](#), i.e., there is no electronic service of a complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment.

(b) Non-Registered Attorneys

For good cause shown in a specific case, attorneys without access to automation and the Internet may apply to the assigned judge for an exemption from the CM/ECF electronic filing requirements (*See* [LR 83-1\(e\)](#)).

(c) Pro Se Party Litigants

On a case-by-case basis, a pro se party may apply to the assigned judge for permission to become either: (1) a Registered User; or (2) a recipient of electronic filing notices by e-mail without becoming a Registered User. If approved as a Registered User, then the Clerk will assign the pro se party a CM/ECF login and password, that individual will become a Registered User in the specific case subject to all of the requirements of LR 100, and the receipt by the pro se party of the Court's e-mail notices of electronic filing will constitute service upon the pro se party. If the pro se party is approved to receive electronic filing notices without becoming a Registered User, then the pro se party will not have access to the CM/ECF system for the purpose of filing documents and there is no consent to electronic service by the pro se party. Accordingly, opposing parties are still required to serve paper copies of any documents on a pro se party who is approved to receive electronic filing noticed by e-mail, but is not approved to become a Registered User.

LR 100-5 Official Case Record

(a) Documents That Must be Filed in Hard Copy (*i.e.*, Paper)

The following documents cannot be filed electronically, and must instead be filed in hard copy (paper):

- (1) Case Initiating Documents: Unless otherwise ordered by the Court or permitted by these Local Rules, Registered Users and Non-Registered Attorneys must also present a CD-R containing text searchable PDF files of initial case papers at the time of filing. (*See Practice Tip below.*)
- (2) Sealed and In Camera Documents (*See also* [LR 3-8](#), [3-9](#) and [10-3](#)).
- (3) Individual Consent to Jurisdiction by a United States Magistrate Judge.
- (4) Individually identifiable health information protected under HIPPA. (*See also* 45 C.F.R. § 160.103).

Practice Tips
1. The following initial case pleadings and documents must be included as text searchable PDF files on a CD-R at the time of case initiation. Complaint or Notice of Removal, state Court papers in removal actions.
2. The Civil Cover Sheet is to be included on the CD-R as a separate PDF file. Because it contains multiple tables, it does not have to be in a text searchable format.
3. It is not necessary to include a PDF file containing issued summons(es) on the CR-R.
4. Corporate Disclosure Statements, if filed at the same time as the Complaint or Notice of Removal, must be included on the CD-R as a separate PDF file.
5. Return of Service documents must be electronically filed.

Practice Tips
1. Word processing systems (like WordPerfect, or Microsoft Word) can generate a searchable PDF version of every document created by the system.
2. Attachments, or other documents not generated by the filing party's word processing system which are scanned and then converted into a PDF file in preparation for electronic filing, should be run through an application (like an optical character recognition program (OCR)) to convert the contents

into a text searchable PDF file. Exhibits which are primarily graphical do not have to be converted to text searchable documents.

3. The [on-line User's Manual](#) has additional information about creating text searchable PDF files. The filer should also consult their word processing manuals.

(b) Demonstrative or Oversized Exhibits

Demonstrative or oversized exhibits may be filed in hard copy and do not need to be accompanied with a CD-R containing a PDF version of the filing.

(c) Transcripts and/or Exhibits in Habeas Corpus Cases

Transcripts and/or exhibits over 200 pages in habeas corpus cases may be filed in hard copy and served by the Attorney General's Office for the State of Oregon without prior Court approval.

(d) Trial Exhibits

Trial exhibits are not filed in the CM/ECF system and are delivered through the Clerk's office for submission to the assigned judge.

(e) All Other Documents

(1) Documents Filed Electronically

In accordance with [Fed. R. Civ. P. 58](#) and [79](#), the electronic filing of a document (together with the CM/ECF system's transmission of the Notice of Electronic Filing) constitutes filing of that document, the official record for all purposes of the Federal Rules of Civil Procedure and the Local Rules of this Court, and entry of the document on the docket kept by the Clerk.

(2) Documents Filed in Hard Copy

(A) Documents Filed Before September 1, 2006: Unless otherwise directed by the Court, documents filed in hard copy before September 1, 2006, constitute the official record.

(B) Documents Filed After September 1, 2006: Documents authorized to be filed in hard copy on or after September 1, 2006, will be filed and docketed by the Clerk and will constitute the official record until or unless the Clerk elects to scan and upload an electronic version of the paper filing.

(C) Concurrent Submission of a CD-R with Hard Copy Filings: Unless otherwise ordered by the Court or permitted by these Local Rules, Registered Users and Non-Registered Attorneys must present a CD-R containing text searchable PDF files of documents filed in hard copy.

LR 100-6 Clerk's Conversion of a Hard Copy Filing into an Electronic Replacement

The Clerk may scan and convert a hard copy filing in its entirety to an electronic replacement for posting to the CM/ECF system. If the Clerk does so, the hard copy filing may be returned to the filing party or disposed of in accordance with guidance from the Administrative Office of the U.S. Courts.

LR 100-7 Judge's Paper Copy Requirements (See [LR 5-1](#) and [LR 10-1\(e\), \(g\)](#) and Practice Tips)

A paper copy, properly fastened pursuant to [LR 10-1\(e\)](#), of the following electronically filed motions, responses, and replies (including associated legal memoranda, attachments, exhibits, affidavits or declarations), and the Notice of Electronic Filing, must be marked as a "JUDGE'S COPY" and delivered to the Clerk's office within three (3) business days after the electronic filing:

(a) Civil Cases

Dispositive motions, motions for injunctive relief, and any documents in excess of five (5) pages.

(b) Criminal Cases

Motions in limine, motions to dismiss, suppression motions, and any documents in excess of five (5) pages.

LR 100-8 Service (See also LR 100-1 and 100-2)

(a) CM/ECF Electronic Service

- (1) Completion of Service: Electronic service is complete upon transmission of the Notice of Electronic Filing, but is not effective if the serving party learns that it did not reach the person to be served.
- (2) Notice of Electronic Service: The Notice of Electronic Filing will be transmitted to all Registered Users who have appeared in the case, and confirmation of receipt of the Notice of Electronic Filing fulfills the notice requirements of [Fed. R. Civ. P. 5\(b\)](#) and [77\(d\)](#).

Practice Tip
Except for a document filed under seal, the Notice of Electronic Filing generated by the CM/ECF system includes: a hyperlink to the electronic filing; the filing date and time; the name(s) of every Registered User and secondary addressees to whom the notice was transmitted; and the names of every case participant who was not sent electronic notice of the filing.

(b) Hard Copy Service

The filing party is responsible for perfecting hard copy service in any manner permitted by the Federal Rules of Civil Procedure (and for filing a Certificate of Service with the Clerk's office) for every:

- (1) Document permitted by these rules to be filed in hard copy instead of electronically;
- (2) Electronic filing that could not be electronically served upon a party or Registered User who appeared in the action; and
- (3) Document filed under seal.

LR 100-9 Hyperlinks

(a) Authorization

Electronically filed documents may contain hyperlinks to other portions of the same document, and/or hyperlinks to a location on the Internet that contains a source document for a citation.

(b) Citation Format

Hyperlinks to cited authority do not replace standard citation format. Complete citations must be included within the text of the document. Neither a hyperlink, nor any site to which it refers, is considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in an electronically filed document.

(c) Disclaimer

The Court neither endorses, nor accepts responsibility for any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked.

LR 100-10 Court Orders and Judgments

Every order or other Court-issued document filed electronically without the original signature of a judge or Clerk has the same force and effect as if the judge or Clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Orders may also be issued as "text only" entries on the docket, without an attached document.

Practice Tip - Mailing Judgments to Registered Users

In accordance with Fed. R. Civ. P. 5(b) and 77(d) , the Clerk's Office does not mail a paper copy of electronically filed judgments to Registered Users who have been successfully served via the CM/ECF system.

LR 100-11 Retention Requirements (See [LR 10-3](#))

(a) Documents Containing Original Signatures of Non-Registered Users

Electronically filed documents such as affidavits or declarations under penalty of perjury which contain original signatures of persons who are not Registered Users must be maintained in their original paper form by the Registered User until the later of:

- (1) The final disposition of the case, including appeal or expiration of the time for appeal; or,
- (2) The expiration of any relevant statute of limitations.

(b) Production of Original

On request of the Court or a party, the Registered User must provide the document for review.

LR 100-12 Personal Privacy Issues (See also [LR 3-8](#) and [LR 10-3](#))

Information posted on the CM/ECF system may not be downloaded for uses inconsistent with the privacy concerns of

any person.

Amendment History to LR 100	
June 1, 2006	
Generally	LR 100 has been revised in its entirety to codify only the core local rule requirements of the CM/ECF system leaving the "how to" instructions to be integrated into the on-line CM/ECF User's Manual at ord.uscourts.gov
December 1, 2009	
Generally	Reorganized for formatting and readability. Takes into account the fact that electronic submission of documents through CM/ECF has become the standard of filing documents with the Court. "Conventional filing" replaced with "hard copy" or "paper copy" filing. References to dates in 2006 deleted where no longer pertinent. References to Appendix of Forms deleted.
LR 100-4(c)	Amended to allow pro se litigants to seek an order allowing them to receive notification of notices of electronic filings in a case and clarifies the effect of such an order, if granted by the Court.
LR 100.5	Electronic Filing Deadline rules moved to LR 5. Subsequent rules renumbered.
LR 100-5(c)	Added to allow conventional filing of transcripts and/or exhibits over 200 pages in habeas corpus cases.
LR 100-9	Electronic Signature rules moved to LR 11. Subsequent rules renumbered.